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NIGERIA: WHICH WAY FORWARD

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Nigeria: Which Way Forward, 103-1 H...

HEARING
BEFORE THE
SUBCOMMITTEE ON AFRICA
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS

FIRST SESSION

AUGUST 4, 1993

Printed for the use of the Committee on Foreign Affairs



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NIGERIA: WHICH WAY FORWARD

WEDNESDAY, AUGUST 4, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON AFRICA,
Washington, DC.

The subcommittee met, pursuant to call, at 2:08 p.m. in room 2200, Rayburn House Office Building, Hon. Harry L. Johnston (chairman of the subcommittee) presiding.

Mr. JOHNSTON. The subcommittee would come to order. Ladies and gentlemen, we have a very ambitious agenda today, in which we have an opening statement by Congressman Jefferson, a resolution dealing with the sense of Congress on Sudan, and we have seven members on two different panels. So I ask your indulgence.

Those people that are on the panels, we have asked you to make your statements as brief as possible so that we can get to the question and answer period. I would like to say to start with, if there are any demonstrations at all, you will be warned. On the second time, you will be asked to leave. And if necessary, which I do not think will be necessary, will be removed by the security officers or the Capitol Police force.

The subcommittee on Africa meets today to consider the future prospects for Africa's most populous country, Nigeria. It is some 14 years since Nigeria has been the topic of a hearing by this subcommittee, and this is far too long. Nigeria is one of the most important countries in Africa.

With oil wells, with a well-educated and sophisticated middle class and a proud history, Nigeria is a natural leader within Africa. It is no exaggeration that events and trends in Nigeria affect all of west Africa, and indeed all of the continent.

Nigeria is important to the United States not only because it is a significant economic partner, and a major supplier of petroleum to this country. Nigeria is also the most important single country engaged in conflict resolution and peacekeeping activities in Africa. Nigerian forces are engaged alongside U.S. troops in UNOSOM II operation in Somalia, and are doing a superb job. Nigerian forces have played the major role in ECOMOG peacekeeping operations in Liberia.

I am very pleased that an agreement has been reached among the warring factions in Liberia which holds out the promise to end this country's brutal civil war. Unfortunately, the transition to democracy and civilian rule in Nigeria recently has had a major setback. On June 23, the Nigerian military government annulled the June 12 Presidential elections.

Since that time, the country has experienced serious political unrest and over 100 people have died. I am very pleased that the United States quickly and forcibly responded to this crisis by condemning the outrageous actions by the military government. The future of the transition to democracy and civilian rule now lies in the balance.

A few days ago the military government and two legal political parties reached an agreement to create an interim government to take over the country after August 27, and prepare for a new election. But the apparent winner of the June election, Chief Abiola, has rejected this concept.

At the end of this hearing, I hope that we have a better understanding of the crisis in Nigeria, and of the options available for addressing it. I also hope that we can clarify some of the tough issues facing U.S. policy toward Nigeria, both in the short run and as we look forward to jointly addressing a series of issues of mutual concern.

Before I call on my other colleagues for opening statement, I would like to call on the Honorable William Jefferson, a Member of Congress from the State of Louisiana, to make a statement. Congressman Jefferson, after you complete the statement, as is the custom of this subcommittee, you are welcome to sit on the panel for the balance of our hearing today. Congressman Jefferson.

STATEMENT OF THE HON. WILLIAM JEFFERSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. JEFFERSON. Thank you very much, Mr. Chairman. members of the subcommittee, I appreciate the opportunity to appear before you for a brief moment to discuss the current situation in Nigeria. I commend you and the other members of the subcommittee for this important and timely hearing. On June 12 as you know, the people of Nigeria elected M.K.O. Abiola as Nigeria's new President-elect.

Mr. Abiola was a leader of a democracy movement that took place in Nigeria that was comparable to the recent celebrated democratization movement in Poland, Germany, and Russia. He is still a leader of that movement today. On June 12, Nigeria was well on its way to becoming a member of the community of democratic nations.

But, Mr. Chairman, the military dictator, General Ibrahim Babangida, annulled the election of Mr. Abiola on grounds which are untenable. Although this election was judged fair and free by international observers, nations there, including Great Britain, believed General Babangida acted against the wishes of the 14 million people who voted in the June 12 election.

The democratization of Nigeria now has been halted by the actions of a single man. Recent demonstrations against the actions of General Babangida touched off 2 days of rioting and left more than 100 people dead. And only yesterday, I learned that Mr. Abiola's life has been threatened to the extent that he has been required to flee the country.

In fact, I talked to him twice in the last 24 hours, most recently at about 3 or so in the morning our time. He is in London now

working on getting a visa because he had to leave the country under circumstances where he was not able to gain possession of his passport and visa, and therefore special arrangements had to be made to get that done.

And that has been arranged and it is his intention to travel to the United States, perhaps tomorrow. President-elect Abiola is expected to arrive here tomorrow and I hope that you will get a chance to listen to his eye witness account of the current situation in Nigeria. Whether it is in this formal setting, or in some other setting, Mr. Chairman, I certainly hope that he will have that opportunity.

There may be more bloodshed in Nigeria, unless this matter is straightforward handled. Mr. Chairman, I know Mr. Abiola, I have known him for many years. As I said, I talked to him twice in the last 24 hours. He is a principled and courageous man who is risking his very life, there is no more pointed way to say it now, to lead the people of Nigeria to democracy.

He is well-educated and thoroughly modern in his thinking about American democracy, in his capacity to help change the world, particularly his own country, for good. From having been born in a dirt floor hut and being the only surviving child of 24 siblings and now reaching great prominence, he remains uncommonly humble.

Mr. Abiola issued a moving statement last month. I would like to read just a part of it into this record. And here are his words which I think are as magnificent as any we have read, any that were made during the time when our country was seeking to break away from the bounds of dictator-style rule and to move toward democracy.

He said, "I am by the infinite grace of God and the wishes of the people of this country the President-elect of the Federal Republic of Nigeria. I am the custodian of a sacred mandate, freely given, which I cannot surrender unless the people so demand. It is by virtue of this mandate that I say that the decision of the Federal military government to cancel the election of June 12, 1993 is invidious, unpatriotic, and capable of causing undue and unnecessary confusion in the country."

And what we have seen in the last 24 hours bears out what he has said. I would hope that this subcommittee would take a strong stand in support of the August 27 date, as a date that Mr. Abiola is to assume office and the date of significant consequences for the relationship between Nigeria and the United States if he does not.

The nearly 100 million people of Nigeria who make up nearly a quarter of the population of Africa deserve democracy. Unless Mr. Abiola is allowed to take office, it may be necessary for our country to take severe action against General Babangida, which I have outlined in some instances here which are illustrative of the kinds of strong actions which I think this subcommittee ought to talk about, that our Nation ought to consider at this time.

In closing, I would want to say that Boris Yeltsin became a symbol of democracy around the world when he stood atop the tanks of the Soviet military to demand an end to military-backed political rule. Mr. Abiola is showing the same courage and heroism that Mr. Yeltsin showed, except it is being done in relative obscurity, out of

sight of CNN cameras and therefore out of the minds of most of the people of the West, indeed of the world.

This subcommittee must express its support for the heroic struggle of Mr. Abiola to democratize Nigeria by recognizing him and his efforts as such, and thereby elevating both to a position of international prominence.

Mr. Chairman, just as our Nation rallied to Yeltsin and his countrymen as they faced down tanks, let us now—

Mr. BURTON. Can I interrupt just one moment? Mr. Chairman, there is a heck of a racket out there. Could we have the Capitol Police kind of clear the hallway or quiet them down out there? Because it is going to disrupt the hearings, I am afraid.

Mr. JOHNSTON. I agree. Let me make this observation, Mr. Burton. As soon as Congressman Jefferson concludes, we will take up the Sudanese resolution. There are some people here who are here for that purpose, after which I think many of them will leave and we can play musical chairs.

If after that event there is still noise out there, I will ask the Capitol Police to clear the hall. Is that all right?

Mr. BURTON. Sure.

Mr. JEFFERSON. I was really at the end.

Mr. BURTON. Sorry to interrupt.

Mr. JEFFERSON. No problem. Simply to ask that our Government give its commitment to Mr. Abiola on behalf of the people of Nigeria as they confront the guns of the military rule and seek to take the reins of their own government.

I want to thank this subcommittee and the chairman for patiently listening to that long dissertation.

Mr. JOHNSTON. It was very good. And if we could have a copy of your statement, we would like to put it in the record in full, and as I said earlier, you are welcome to sit on the panel or the balance of the hearing. We sincerely appreciate you coming.

[The prepared statement of Mr. Jefferson appears in the appendix.]

[Whereupon, at 2:19 p.m., the subcommittee proceeded to other business.]

[2:58 p.m. resuming hearing.]

Mr. JOHNSTON. Call the meeting to order again. Unfortunately, we anticipate another vote in about a half an hour, which is to be the last amendment, and then final passage.

But we will start and ask Ambassador Moose if he will make his statement.

STATEMENT OF GEORGE MOOSE, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS, DEPARTMENT OF STATE

Mr. MOOSE. Thank you very much, Mr. Chairman, members of the subcommittee. I very much appreciate this opportunity to appear before you today to describe U.S. policy toward Nigeria.

I will try to abbreviate my remarks so as to leave more time for questioning. Since General Babangida came to power in 1985, his regime has repeatedly promised to support elected civilian government in Nigeria. Eventually the regime allowed elections to be held for state and local officials and for the national legislature in 1991 and 1992.

After a number of delays, voters went to the polls on June 12, 1993, to elect a President. The state by state returns, which were never official, showed that the Social Democratic Party's candidate obtained significant support in all regions of the country and a clear majority of the votes cast nationwide.

The National Republican Convention, the other legal political party, seemed ready to accept those results, and impartial election observers judged that the elections were generally free and fair. In essence, the elections seemed to herald the return to democratic politics so long promised by the Nigerian military.

Yet on June 23, Nigeria's military arbitrarily annulled the June 12 election results. General Babangida claimed that his action was somehow in the best interest of the nation. He decreed to the political parties that another election must be held, otherwise he said he would abolish Nigeria's democratic institutions, dismiss elected officials and appoint an interim government.

He said further that neither the Social Democratic candidate nor his National Republican Convention opponent in the June 12 contest would be permitted to run in this new election. The Social Democratic Party immediately denounced that plan and called for release of the June 12 election results.

Violence broke out in some areas of the country. And with each passing day, more leaders of the Nigerian civilian society voice support for validating the June 12 elections. The two legal parties eventually offered a compromise proposal and an interim government, stipulating that elected institutions remain in place—that is state and local and the national legislature.

However, on June 12, General Babangida rejected the party's offer, demanding that a new election be held on August 14. He then threatened that if the parties did not participate in the transition, civilian rule might not occur on August 27 as promised. The United States acted swiftly to demonstrate its disapproval of the regime's antibehavior.

After General Babangida rejected the party's offer to participate in an interim government and the regime began to crack down on those who spoke out against his proposal, the United States amended its response with additional measures. Among the actions the United States has taken to date are the following: The suspending of aid under the Foreign Assistance Act, except for humanitarian assistance, aid for the democratization and social sector programming, and assistance provided through nongovernmental organizations; sharply reducing the level of military to military relations, including withdrawal of our security systems officer from Lagos, postponing the travel plans of our new defense attaché, asking the Nigerian defense attaché to leave the United States, suspending the international military education and training program with Nigeria; reviewing all new applications for commercial exports of defense articles and services to Nigeria, with a presumption of denial; and requiring all requests for diplomatic visas for Nigerian officials to be referred to the Department of State.

The Administration's actions were directed at those regarded as most responsible for Nigeria's current political impasse, namely the Nigerian military. Meanwhile our Embassy continues to maintain

regular and open communications with civilian politicians and leading human rights advocates.

We have been especially concerned by the regime's pattern of violating basic human rights, a pattern which has worsened since the announcement of June 23, the cancellation, the annulment of the elections. These repressive actions create a climate hostile to democracy by undermining the very institutions that are a foundation of a democratic civil society.

The regime has hit Nigeria's outspoken independent press particularly hard, and the human rights activists such as Beko Ransome-Kuti, Femi Falana, and Gani Fawahinmi, have been detained under authority of a sweeping military decree that permits the regime to imprison anyone incommunicado for up to 6 weeks.

The current political crisis poses in our view the greatest risk to Nigeria's national integrity since the 1967-1970 civil war. It is clear that the military must agree to leave power if that risk is to be diminished. If the military understands that its interests will suffer if it tries to retain power, it may be possible to strengthen those in Nigeria seeking to persuade the military leadership to turn over power to a duly elected civilian government.

Achieving such a resolution will, I think, be difficult, but not impossible. There is great cynicism and fear and uncertainty created by the present military regime that will not be easy to dispel. Many citizens believe that any electoral process, any new elections, would be just another attempt to buy time and soothe international opinion, and far from healing Nigeria's wounds, that such elections would almost certainly widen and deepen some of the tensions.

Neither does there appear to be much real enthusiasm for an interim government, which many Nigerians I think fear would be nothing more than a stalking horse for a continued military rule. We are aware as are many Nigerians of the urgent need for the greater governmental transparency that civilian rule eventually can bring, and we are also cognizant of Nigeria's role as a model to many other aspiring peoples struggling to reach the ideal of democracy in their own nations.

If Nigeria's military regime is able to perpetuate itself in spite of popular disaffection, the prospects for peaceful transition of power to elected civilians in many of these countries in the region and across the continent would also rapidly dim. We will continue therefore to stress the overriding importance of the military's leaving power to those elected by a free and fair democratic process.

We have put the Nigerian regime on notice that should a civilian government not be in place in Nigeria on August 27, the United States will be obliged to take additional steps. Nigeria's military regime understands that any attempt to hold power after August 27, 1993, no matter how it might be rationalized, would raise fundamental questions about the future character of our bilateral relations.

The strong signals coming from the Congress I think have already been very helpful and greatly appreciated in reinforcing that message.

Thank you very much, Mr. Chairman.

Mr. JOHNSTON. Thank you very much, Mr. Ambassador.

[The prepared statement of George E. Moose appears in the appendix.]

Mr. JOHNSTON. James L. Woods, Deputy Assistant Secretary of Defense for African Affairs. Mr. Woods. Incidentally, Mr. Moose, we will take your entire testimony and put it in the record since you condensed it somewhat.

Mr. Woods.

STATEMENT OF JAMES WOODS, DEPUTY ASSISTANT SECRETARY FOR AFRICAN AFFAIRS, DEPARTMENT OF DEFENSE

Mr. Woods. Mr. Chairman, Mr. Burton, I am Jim Woods, Deputy Assistant Secretary for African Affairs at Defense.

I appreciate this opportunity to address this situation in Nigeria. Since this is an open hearing, Mr. Chairman, I must respond in general terms to some of the questions which were contained in your invitation to testify.

We will be submitting a classified supplement, a letter, I hope would arrive by the end of this week. Let me take your questions in order. First you asked that I assess the attitude of the Nigerian military establishment toward the transition to democracy and discuss how U.S. policy has so far affected that transition.

I am going to beg off on the second half of that and let Mr. Moose address how he might think U.S. policy is affecting the transition. In fact, I would say that his opening statement did address that. But let me talk about the Nigerian military establishment for a couple of minutes.

Let me begin by noting that the Nigerian military is not a monolithic entity. Ethnic, religious, geographic and generational factors impact on the thinking of all members of the military, much as they do on other segments of Nigerian society. We should be cautious in making or accepting broad generalizations.

Let me give you two aspects to think about as we try to analyze the situation. First, I think I can safely say that only a small percentage of the Nigerian military derives any direct benefits from the current military control of the government. The lives of the large majority of enlisted, junior and mid-level officers would not suffer any serious adverse effects from a transition to a civilian-run government. There is little reason to believe there is general military opposition to such a transition.

Second, we need to keep in mind the critically important distinction between the Nigerian military as a professional institution and the Nigerian ruling elite, who have used that military as a spring-board to power for themselves and have since somewhat distanced themselves from their profession.

There is little reason to think that the military establishment, which is proud of its growing professionalism, gives broad or enthusiastic support to the current power elite simply because they wear a uniform. And as I said, I will leave the question of the impact of our own policies to Mr. Moose.

You asked that I describe the size of the Nigerian military establishment, how it has evolved in recent years, what percentage of the government budget goes to the military. The overall force level has dropped very significantly from the 1970's, from around 250,000 immediately following the Biafran war, to around 100,000

in the mid-1980's, and today to somewhere between 60,000 and 75,000.

We expect the Nigerian forces to stabilize at around the present level. Even so, they will be one of the largest standing military forces in sub-Saharan Africa. But of course, also, Nigeria is largest in terms of population, by far the largest country. As for the budget, open sources estimate the defense expenditures in 1992 at around 255 million U.S. dollars, or 4 percent of the Nigerian Government's reported budget.

I would not count heavily on the accuracy of those figures. There are substantial military expenditures off line which do not show up.

Is there hostility within the military toward Chief Abiola and/or the Social Democratic Party? Mr. Abiola is no doubt eyed suspiciously by the ruling military elite, in part simply because he is a southerner and the top echelons of the military are dominated by northerners.

He probably further heightened their anxiety when he recently made a public statement that he would reevaluate the military's role in international peacekeeping missions. This was probably perceived as a public questioning of the military leadership's judgment, and a possible opening for further investigations into other military activities, legal or perhaps illegal.

The military elite would not see it in their interests to turn over power to an individual who might then arrest and court-martial them. As for the rest of the military, press reports after the elections indicated the majority of junior officers voted for Abiola.

With regard to the Social Democratic Party itself, we view that as a recent artificial creation of the ruling military elite. There is no evidence that there is now any open opposition within military ranks to the SDP as a political institution, but some in the military presumably disagree with its politics. We doubt that this would in itself lead to any significant active opposition, however.

What is the potential impact of an aborted transition to civilian rule on Nigeria's military role in west Africa? And you mentioned some of those activities in your opening comments, Mr. Chairman. If an aborted transition to civilian rule causes severe internal turmoil, as it very well could, requiring the imposition of martial law in parts of the country, Nigerian troops might be recalled from their foreign deployments.

In west Africa, those deployments first are some 9,000 troops constituting the main forces of ECOMOG in Liberia, several hundred troops in Sierra Leone providing security to the government at the capital and at Lungi Airfield, and third, a small contingent in the Gambia, providing advisory services—but note that a Nigerian general is the present commanding officer of the Gambian defense forces as well as heading their advisory mission.

At the very least, a Nigerian military preoccupied by widespread internal unrest, or divided by civil war, would be unable to provide logistic support to its deployed forces. If abandoned and left to fend for themselves, they would no longer be an effective or responsible tool of Nigerian foreign policy, and at most, all of these elements could be brought home, causing severe problems in Liberia to

ECOMOG and more manageable problems for Sierra Leone and the Gambia.

Assessing the effectiveness of the Nigerian military within the ECOMOG peacekeeping operation in Liberia. What should determine U.S. policy toward ECOMOG and what should this policy be? With apologies to Mr. Moose, I will have a few words on what I think we should do in Liberia, which we have been deeply involved in. So I'll stick my neck out here a little bit.

The Nigerian contribution has been absolutely critical to the success to date of ECOMOG. Nigeria's manpower and logistics contributions are critical to the operational capability of the entire regional force. To its credit, ECOMOG has successfully defended Monrovia and its environs from Charles Taylor's rebel forces, thereby preserving for Liberians, an irony here, a chance to elect the man who sits in Monrovia's executive mansion.

Its presence has also prevented Liberians from engaging in a further orgy of ethnic cleansing. Additionally, its recent military successes combined with its enforcement of an embargo against Taylor no doubt contributed to U.S. special representative Gordon-Somers' ability to bring all the warring parties to the negotiating table. And as you know, those negotiations have now led to signature of a peace agreement which went into effect this past Sunday at midnight.

Of course ECOMOG's operations in Liberia have not been flawless from either a military or political perspective, but the Nigerians have demonstrated capabilities that few other sub-Saharan African militaries, with of course the exception of South Africa, have and none has ever been required to demonstrate. Namely, the ability to deploy and logistically support a division equivalent. Additionally, Nigeria's ability to plan and conduct coordinated air, land and sea operations and to conduct a relatively effective counter insurgency campaign, has also been impressive.

The bottom line is that the Nigerian investment in British and American training and professionalization programs has paid off. If we want to engage in peacekeeping operations using African troops in the future, and I suspect we do, we should keep Nigeria's potential contributions very much in mind. In previous testimony, in fact to this subcommittee on peacekeeping issues, I have stated it is in our interest to support regional peacekeeping operations such as ECOMOG, and we are already doing this to the extent that our extremely limited resources allow.

We do not have a Presidential determination that would allow us to provide military aid directly to ECOWAS or ECOMOG. We have given limited military assistance directly to all the countries contributing troops to ECOMOG, except Nigeria. We have given \$500,000 in FMF each for Ghana, Guinea and Sierra Leone, and \$250,000 to Gambia. We also provided—the United States, not Defense, not FMF funding—ECOWAS with \$8.6 million in ESF funds, which were used to cover incidental expenses, including the cost of shipping some 150 Korean jeeps which Sammy Doe had purchased, from Dakar to Monrovia for use by ECOMOG. We are now being asked to provide additional support for the peace agreement that the United States has helped to broker. I support this in principle; finding the necessary resources will present a major problem.

Your sixth question was to discuss ethnic and regional issues within the Nigerian military. I did attempt to address that in my first answer. Let me go on to say that the Nigerians have developed a professional military culture which impacts significantly on the thinking of its soldiers. There is an institutional cohesion that is rare among African militaries and it does set the military institution apart from civil society.

For this reason, developments external to the military may be less likely to cause it to fracture along ethnic or regional lines. Within the military, regional and ethnic differences do strongly influence institutional politics and the distribution of power, partly by serving as defining elements of numerous old boy networks.

Your final question deals with the Nigerian military and international drug operations and other illegal activities. I can only say that there have been numerous press allegations suggesting individual Nigerian military personnel are actively involved in drug trafficking. There have been periodic reports that senior officers are involved, even accusations in the Nigerian tabloid press that President Babangida's wife is implicated in some way.

No firm evidence has ever been presented to confirm these reports and rumors. No senior military figure has been indicted or even arrested on drug charges. There is also no indication that the Nigerian Government or military engage in drug trafficking as a matter of policy.

However, there is enough circumstantial evidence that some senior military leaders may be involved in narcotics trafficking to question whether they might be consciously blocking counter-narcotics activities. And I can't go beyond those comments in an open hearing.

Mr. Chairman, to conclude, the Nigerian military is a very complex institution which for better or worse plays a significant role in Nigerian politics and society. Its complexity suggests that our policies toward it be discriminating in order to be effective.

As we contemplate how the United States should respond to a prolongation of military rule, we should at least attempt to take care not to alienate the entire officer corps, whose support will be necessary if democratization is to succeed in Nigeria. If we are effectively to influence the policies of the repressive military elite now in power, we must find and focus on the political center of gravity.

In Nigeria's case, that center of gravity is at the very top. While there are practical problems with implementing such a policy, focusing on this very small group, we must endeavor to resolve them, in my opinion, while avoiding the temptation of targeting indiscriminately the entire military establishment.

Thank you.

Mr. JOHNSTON. Thank you very much, Mr. Woods.

[The prepared statement of James L. Woods appears in the appendix.]

Mr. JOHNSTON. Mr. Burton.

Mr. BURTON. Thank you, Mr. Chairman. I had a businessman from the United States who has a lot of interests in Nigeria come to see me to talk to me about the problems there. And it is alleged that this Mr. Abiola, used millions of dollars to buy voter certifi-

cates from people who were eligible to vote. And he was paying up to \$20, which I guess is probably a couple months' income for a lot of those people, in order to get their certificates so they couldn't vote.

The voter turn out was very, very low by our—even by our standards. I think it was 30, 30-some percent, and I don't know how valid that statement is. Also, he was very concerned that if Mr. Abiola, and I am not conversant with this as he is because he has business interests over there, but if Mr. Abiola were to take power that there would be some tribalism, some wars, and this could deteriorate into the largest civil war in the largest country in Africa.

Now, I don't know how valid those two statements are or those two concerns are, but I would like to have your views as concisely as possible on those questions.

Mr. WOODS. You are looking at me I think.

Mr. BURTON. Either you or Mr. Moose, whoever wants to respond.

Mr. WOODS. I wouldn't—we have heard the same accusations, the former. I can't validate it one way or the other. And we have also heard concerns voiced, but, you know, to some extent they are self-serving, depending on the person who is making them—that the actual swearing in of this or that person, in this case Mr. Abiola, will destabilize the country and will exacerbate and plunge the country into chaos.

Mr. BURTON. Well, the only concern that this man had was that his businesses be able to survive and not be destroyed in a civil war. So I don't think he had a real ax to grind.

Mr. WOODS. It is a valid concern that either the failure to install or if elements, call them reactionary or whatever, choose to greet installation unfavorably and violently, that the country could be plunged into chaos.

I think there are two overriding interests here. One is preservation of a transition to democracy, and second is prevention of plunging the country into chaos and civil war.

Mr. BURTON. Let me ask you this way: Has anybody from our State Department, and we have all kinds of intelligence sources around the world and I presume in Nigeria as well, has anybody gone out to find out if there were in fact purchases of election certificates so people couldn't vote?

Mr. MOOSE. We have of course seen a number of allegations, and let me say that allegations have been made not only against the Social Democratic Party candidate, but also his opponent in these elections.

I guess we have to fall back on the observations of the observers who were there, none of whom would claim that those elections were pure and perfect. But their general observation, and this included a group of some 13 countries, observers from 13 countries who formed an international observer mission and who observed these elections in most, 23 of the 30 states, and by and large, they ruled that the actual conduct of the elections by the standards that we are accustomed to judging elections was generally fair and free.

Mr. BURTON. May I interrupt and ask one more question?

Mr. MOOSE. Yes, sure.

Mr. BURTON. The election itself could have proceeded and looked very normal with people coming with their voters to the polls to vote, but if they were purchased ahead of time and they understood that the \$20 that they received, or whatever the amount was, was to buy their certificate so they couldn't vote, they wouldn't have shown up at the poll.

So what I am asking is has our intelligence sources or anybody in the State Department done any research, talking to people in various parts of the country where this allegation was made, to see if anybody purchased voter certificates?

Mr. MOOSE. I would have to say, Congressman, that indeed we have heard in—both in the same public channels that others have heard and in our private conversations with people in Nigeria of similar allegations.

Judging how pervasive they might have been, whether these things might have had an influence on the outcome of the elections, is not something frankly that we feel we are in a position to do. I do think, to pick up on something that Jim has just said, there is a somewhat self-serving quality to these.

I would note that, for example, the criticisms which the regime leveled against these elections was all *ex post facto*. It was all made in the context of the decision to annul the elections. Again, we are not in a position, I think, to say whether the conditions under which these elections were held were such that they should be invalidated.

But the observers who were there said that as far as they could tell—

Mr. BURTON. I don't want to belabor the point, but I think this is a very important point. The gentleman, Mr. Abiola, is a multi, multimillionaire. He has a lot of resources, as I understand it. And his ability to pay \$20 to hundreds of thousands of people is not in question.

And it seems to me that if there were hundreds of thousands of people that sold their certificates, and I guess that would be a pretty hot item, you know, you can get \$20 for this piece of paper and you don't even have to go vote, that it might have been an inducement for people not to vote.

And it seems to me that would not be that difficult for us to investigate. And since, you know, we are very concerned about the stability in Nigeria, we are concerned about the new elections that they are talking about holding in a very short time, I don't know how they are going to conduct those in that short period of time, that is another issue, but it seems to me that ought to be one of the major things that we ought to be looking into. Because if there is validity to it, it sheds a whole different light on the elections as to whether or not they were free and fair.

Mr. MOOSE. Your point I think is very well-taken. I frankly would not wish to lead anybody to believe that we would have the ability to go back and try to determine whether in fact practices by either side had a significant influence on the outcome of this.

I mean we could indeed go and interview people, but to say that we could use that information to reach a conclusion that says these practices were sufficient to invalidate the elections, I would not wish to have to be in that position.

Let me just add one other point. There is, again, the two contenders in this election. At the conclusion of this election, before the results were announced, before the announcement was made of the annulment, I would simply note that the opposition party, the National Republican Convention, seemed prepared to accept the outcome.

I would have thought that if anybody was concerned about malfeasance, practices which affected the outcome of the elections, it would have been the opposition party. The fact that they seemed prepared, and again since the election results were never finalized, seemed prepared to accept, suggests to me that at least in their view as well as in the view of the international observers, this was a more or less legitimate and free expression of the will of those who participated in those elections.

Mr. BURTON. Thank you, Mr. Chairman.

Mr. JOHNSTON. Mr. Payne.

Mr. PAYNE. Yes, let me just ask a question. I think Chief Abiola said that he would take a look at or evaluate the military structure. Do you feel that this nullification of the election might have had something to do with the fear that perhaps the new President would evaluate the military and its power?

And secondly, my colleague talks about Abiola's wealth. I think that the Babangida family is probably not on food stamps. I wonder if there might have been a possibility of a civilian government reviewing the corruption that has been alleged during the past 3 or 4 years and the threat of perhaps a civilian trial or indictment might have had something. That is just kind of conjecture. Have you heard any of those kinds of suggestions?

Mr. Woods. It is conjectural and we made the same conjecture—we have been through the same process of conjecturing. And one of my answers did say that that was possibly one of the factors. And corruption in military contracting and procurement is, as well-known, widespread in Africa, and other parts of the world, and if you read the U.S. press about our own country, occasionally crops up here.

So these things do happen. And the public—if you will, going out of your way to publicly pronounce, you know, if elected, I am going to start looking into what the military has been up to—is a rather provocative threat, and one has to assume it was noticed.

And I think, as Ambassador Moose said, this process, it seemed to me it wasn't the process that was flawed, and it wasn't that the major parties I think weren't prepared to accept the outcome, even the loser. The problem was that the regime, from the regime's perspective that is entrenched in power, the wrong guy won.

And they sat there and said can we really accept this, and I suppose at that point they began going over everything he had said and done, and that this would have been a factor I assume only makes common sense. I don't have any inside information, however. We are speculating.

Mr. PAYNE. Thank you very much for that.

Also looking at the 35, 36 percent turnout, let me just also refer to my good colleague on the other side that in 1984, 1988—1980, 1984 and 1988, I don't think we received more than a 40 to 42, 44 percent turnout for the Presidential elections of those years.

As a matter of fact, I think the 1992 election was the first time in the United States of America we have gotten over 50 percent in an election. So I can't understand where in the 1980's there were in the middle 40's of a national turnout for a President, and you say the 35 percent, 37 percent turnout in Nigeria, was so low that it does not make a mandate. That is kind of inconsistent.

Just a question regarding some of the steps. We were invited—the Administration invited observers to come in to observe the election, correct, United States and United Kingdom and other countries?

Mr. MOOSE. The record is a little bit murky. Yes, at one point they invited outside observers. We entered into some discussions well in advance of the elections about the terms and conditions under which those observers were to operate.

Frankly, the answers that we got were not in our view satisfactory and it was on that basis that we decided that we would not officially encourage or endorse or support the sending of observers. Other countries did. The EC in particular mounted a very impressive observation mission and that was on the basis, frankly, of that team's observations that we and others took the view that indeed these elections were generally fair and free.

Mr. PAYNE. It makes it much more mysterious that the Administration, after the annulment came and Great Britain and United States, you know, made its position known that they thought that the election should have been observed. Why would the Nigerian Government then say why are we interfering with their internal affairs when they invited England and other countries to get involved in the election?

And then once they were criticized, they say, well, you have no business being involved in our business when we were indirectly and some directly invited. Just doesn't seem to add up to me. Just finally, I just think that in my opinion that we should be looking at some strong steps.

I would like to see us considering an embargo on Nigerian oil, perhaps asking the United Nations to have a worldwide embargo on U.N. oil and products. I think that we ought to start requesting nations to freeze the assets of President Babangida and others, because I think we need to set a tone that if we are going to move toward democratization, doesn't make sense to try to assist in Sudan, to have troops in Liberia, and there is some question about the mission in Liberia, that it was not as altruistic as it seemed. Of course, it did stop the bloodshed for a period of time, but there is some question as to their driving force behind their intentions there.

But I think the results are what we are looking at. And of course I do, Mr. Woods, have to—and I am opposed to Taylor as much as anyone else, but I think when we refer to his troops as rebel forces, I think we have to keep in context that Doe took over Liberia through a military coup d'état, where he murdered the President and all of the first family and leaders in 1980, 1981, and to characterize someone who was attempting to overthrow that regime, although also have been accused of atrocities, I don't know who the rebels really are, whether the so-called President Doe is the rebel

or whether the Taylor forces that are trying to are. I just wanted to mention that.

But I think that we need to take some strong steps that will make an impact on that government.

Thank you.

Mr. JOHNSTON. Mr. Burton.

Mr. BURTON. Yes, let me just make one brief comment. I don't know whether the elections were free and fair or not. I just know that traditionally countries that have not held elections for a long, long period of time, where they have had military governments, that usually the turnout is much higher than 35 or 36 percent. Granted we have low turnouts here.

But it seems to me with all of our stretched resources around the world in Somalia, in the former Yugoslavia, and in other areas, Cambodia, where we have U.N. troops and American troops and we are paying for a lot of that, that we should be as sure as possible that we are doing the right thing before we make a move.

Now, maybe an embargo, as Don said, is something that we should do. I don't know. But it seems to me that before we do something like that, we ought to investigate this thoroughly. If there is any validity to the allegation that hundreds of thousands of people's voter certificates were purchased before the election, thus not having them at the polls, then that puts an entirely different light on this situation. I know it might be difficult to do that.

But this leader, Mr. Babangida, although he appears to have been doing the wrong thing lately, he has done a lot of things that we had asked him to do in the past and many of us in this House have even complimented him from time to time on some of the things that he had done.

And so I think that further investigation needs to be done so we have a thorough, as thorough as possible knowledge of the situation over there before we start embarguing or doing something else that might worsen the situation and precipitate the kind of civil war that we don't want to see occur.

I don't have any—if it is a fraudulent election, I agree with you, Don, I think that we ought to do what we can to force a fair democracy and get that job done. But we need to make sure first, and if there is any truth to buying these certificates ahead of time, I don't know how you can verify that it was a fraudulent election. Because if you don't come to the polls because it was purchased ahead of time, if I saw people coming in and walking and voting in the normal manner with no repression, whatever, I would say it is a free and fair election.

But this allegedly happened before the fact. So I just think before the U.S. Government makes any decision to take any action, we ought to do as much investigative work as possible and I hope that the State Department will do that.

Thank you, Mr. Chairman.

Mr. JOHNSTON. Let me review the election just a minute. The opposition Tofa was wealthy also, was he not?

Mr. MOOSE. He is a man of considerable means as well.

Mr. JOHNSTON. And the early results came in, showed that Abiola had won almost all around the country, had he not?

Mr. MOOSE. He had very broad support throughout all regions of the country. It was not simply localized in the West.

Mr. JOHNSTON. It was almost a two to one vote, wasn't it?

Mr. MOOSE. Indeed.

Mr. JOHNSTON. What was the turnout again?

Mr. MOOSE. Percentage figure, I don't have. Thirty-six percent.

Mr. JOHNSTON. Thirty-six percent. Mr. Burton talked about new elections. He did not know whether they would be able to set up the next elections in a very short time. Didn't they cancel those elections Saturday?

Mr. MOOSE. Yes, as of the weekend, the proposal to hold new elections on the 14th of August was abandoned by the military regime.

Mr. JOHNSTON. Going back, did not the military government literally set up this election, almost create the two parties and approve of the two candidates?

Mr. MOOSE. The entire process, the decreeing that there would be two parties and the stipulation as to what those parties would more or less represent on the broad political spectrum, the criteria under which candidates would be eligible to compete in the elections, the criteria under which a candidate could be declared a victor in the elections, what spread of votes, percentages, et cetera, from state to region, et cetera, all of that was rather specifically spelled out in the procedures laid out by the military.

Mr. JOHNSTON. Mr. Woods, you were nodding your head. Do you agree with that?

Mr. WOODS. I do, yes.

Mr. JOHNSTON. The supreme court then took jurisdiction of this case, I think by the winning party, but the government mandated that they not try the case, or not even hear the case. What was the rationale there, do you know?

Mr. MOOSE. It is hard for me, particularly not being a lawyer, to give you a clear legal rationale. Essentially, the rationale was that the decrees that established the process were the decrees that were issued by the military council.

And as such, they were not subject to the jurisdiction of the supreme court. I think in most countries one would argue that there is a fundamental contradiction here. But that indeed was the argument that was used by the government, by the military regime, in decreeing that in effect the court did not have jurisdiction to rule.

Mr. JOHNSTON. Just this last Saturday now they are talking about the interim government that will be set up and take over on your deadline date of August 27. What is your feeling and comment about that?

Mr. MOOSE. This latest proposal originally came from the two parties. And let me back up to say that we have to bear in mind that the parties themselves are somewhat artificially created.

But, nevertheless, the proposal for a new election emerged from the two parties, and was counter to the proposition of General Babangida. That proposal was accepted in principle by the military regime, and a commission was designated to work out the details.

I think generally if one could have some degree of confidence that what emerged out of this was something that was broadly accept-

able to the Nigerian people, one might look at it in a favorable light.

But I have to say that the concerns already being expressed by the parties themselves are that the military has seized on this and is attempting to transform this proposal for a transition government into a kind of government which in effect would perpetuate the authority of the power and control of the military.

And that indeed would be the concern that I would have, particularly in light of the behavior of the military up until now. At every juncture, it would appear that the military has sought to manipulate the process such as to perpetuate its own control over the political system.

And it would appear, again from the initial reports that we are receiving, that that kind of manipulation may again be at work in the way that the military is seeking to structure this interim government. That would be a matter of great concern to us.

Mr. JOHNSTON. Mr. Woods, are any or many of the military officers in the Nigerian Army trained in the United States?

Mr. Woods. Yes, sir, quite a few, although we didn't have an IMET program until a couple of years ago. They used to buy a great deal of the training on a cash basis from us, and so, yes, a lot of them. More have been trained in Britain.

Mr. JOHNSTON. Is Abiola's life in jeopardy, either of you?

Mr. Woods. Supposedly he has been threatened, as have a number of others.

Mr. MOOSE. I certainly would not regard such threats lightly. He has been the object of threats and in the current atmosphere in Nigeria, one certainly can't rule out that possibility.

Mr. BURTON. May I ask one question?

Mr. JOHNSTON. Let me find out what we are doing here. OK.

Mr. Payne.

Mr. PAYNE. Yes, just on that note, on Monday evening I spoke to Mr. Abiola and he told me that he was fearful of his life. He was—he felt that Mr. Babangida should be held responsible for his safety, that he at that time felt that there would be some action possibly taken against him as you heard from Mr. Jefferson.

He was able to slip out of the country, actually, last night and is in England. In my opinion, this is similar to Haiti. You had an election, Mr. Aristide won. The military didn't like the winner, so they said that the election is nullified. I think the same stance that we have taken in Haiti, where we have met, although it is certainly more in our sphere of influence than Nigeria is, but I think that the principle should be the same, where we met with the military, where we met with all people concerned and said that there was an election, it was a mandate, Aristide won and therefore the June 12 election should stand.

To have other elections, to try to have another process, I think, is just a fraud in my opinion and that our position should be that there was an election held on June, the winner of that election should be the President of that country. Anything else that they do, I think that our position should be that we should not recognize that government because it is a rum government and that our policy should be dictated by virtue of the way we deal with countries that we feel have violated the rights of that individual country.

So I would just like to, as I indicated, sort of liken it to Haiti and the position of the State Department and the Administration as it related to that election.

Mr. BURTON. Yes, I just had one brief question. And I understand that he may be here in the United States in a short period of time and we may have a chance to talk with him before the week is out. I think that would be great, if we could do that, Mr. Chairman.

That might give us more insight into the situation. In the event that there was such an attempt on his life or an assassination, I just was curious, and I know this is speculation, what that would mean? Would that plunge the country into civil war or would that precipitate something like that? Do you have any ideas?

Mr. MOOSE. I have to say, Congressman, I wouldn't even want to speculate on that one. Certainly he has a great deal of support among the constituency. I am sure that that constituency would be outraged if something were to happen to him.

It is certainly not something one would wish to happen under any circumstances.

Mr. BURTON. The only reason I ask that question, it just seems to me that the military would be aware of the upheaval that would be caused by that and it seems to me that that probably would, if rationality dictates, would preclude that possibility.

Mr. MOOSE. I hope so.

Mr. BURTON. Thank you, Mr. Chairman.

Mr. JOHNSTON. We are going to try to rotate here before we get to the third panel here.

The question I have, Mr. Ambassador, is it still U.S. policy that the military government should honor the election of June 12?

Mr. MOOSE. We are on the record as saying that as far as we could tell, and again I grant you that in the circumstances of Nigeria, the fact that the final election results were never announced and never certified, it seemed to us the people of Nigeria had been given an opportunity to express themselves and that that process should have been allowed to play itself out.

Mr. JOHNSTON. Reading the last page of your testimony, we have put the Nigerian regime on notice that should a civilian government not be in place in Nigeria on August 27, the United States may be obligated to take additional steps. Could you tell us what you have in mind?

Mr. MOOSE. I would hesitate to speculate. I don't think at this point we have ruled in or ruled out anything. There are a number of measures which have been suggested. I think many of those would require a good deal of study and careful consultation, but I do think the one point on which we are agreed is that Nigeria's future integrity, and political stability, really does hinge on making it clear to the military that their continuation in power is a severe threat to that integrity and stability.

And so what we will be seeking to do as we have done to date is to identify those actions and those measures which might bring home that message. That has been the focus of our efforts up until now. They have been focused primarily on influencing the military leadership to relinquish control.

Mr. JOHNSTON. To both of you, one of the things that I am constantly confronted with as chairman of the African Subcommittee is now that the cold war is over, there really is no strategic value in this entire continent. And I say there is a humanitarian one and I go down the list.

But in light of that, can you describe U.S. policy in reference to the residual or new interests it has in Nigeria now that the cold war is over?

Mr. MOOSE. Well, I am sure, Mr. Woods has some comments on that, too, but let me say that there are a number of things which concern us about Nigeria and its future and stability, not least of which is Nigeria's tremendous impact on the entire subregion—so many of the countries and the economies of that subregion are very much integrated with and dependent upon Nigeria.

What happens in Nigeria could have devastating consequences for all of them. So from that perspective and our continued import of roughly 60 percent of Nigeria's oil exports. Nigeria's future is imports.

Mr. JOHNSTON. Aren't they number two in the world after the Saudis?

Mr. MOOSE. Yes, I believe Nigeria is the second largest oil exporter after the Saudis. Looking, if you will, prospectively, for many years we have all looked to Nigeria as playing a leading role in the continent's political and economic development. We have spent an awful lot of time and effort trying to encourage that process.

I think, again, to the extent that we expect that Africa will become an integral part of this new world order system that we are talking about, it is important that we try to do what we can to ensure a stable democratic process in Nigeria.

So all of those things may not fit into our traditional definition of strategic interest and strategic import, but I think in this new post-cold war era, those are factors which justify our great attention in what is happening in Nigeria.

Mr. JOHNSTON. Mr. Burton.

Mr. BURTON. I just want to say one thing real quickly. They are the second leading oil producer, second to Saudi Arabia?

Mr. JOHNSTON. To us.

Mr. BURTON. In exports to us. Then why in the world are we giving them IMET money?

Mr. WOODS. The IMET program, which I think was less than \$100,000 per year, was proposed so that it would make available the "IMET rate" for training. Let me also say Nigeria is per capita a poor country.

Mr. BURTON. Yes. But they were buying the service before and with that kind of oil production it seems to me—

Mr. WOODS. We wanted to get more of their students into our schools in an attempt to influence them in the right direction. I would say that that hasn't paid off brilliantly so far.

Mr. MOOSE. Just to correct the record. I am reliably informed that in terms of our imports of foreign oil, Nigeria is the fourth, ranks fourth in that.

Mr. JOHNSTON. I am sorry.

Mr. Woods. That number was substantially increased in 1991, the IMET number, because of—basically it was an attempt to compensate them somewhat for what they were doing in Liberia, and it was raised to \$.5 million in that year, fiscal year 1991.

Mr. JOHNSTON. Mr. Woods, Mr. Ambassador, we sincerely appreciate you coming.

We are trying to rotate in another chairman, so I would ask that the third panel come forth and as soon as Mr. Payne gets back, they will start. And I am going to ask Ambassador Young, since he has to leave at 4:30, to be the first witness on the third panel.

[Vote recess.]

Mr. PAYNE [presiding]. May I have your attention, please? I want to reconvene the meeting. Because the schedule indicates that Ambassador Young will have to leave, I will ask him to be our first witness. As you all know, Ambassador Andy Young, a former Member of this House, former U.S. Ambassador to the U.N., former mayor of the great city of Atlanta, and so many other great things, I really appreciate you making the effort to be here.

I know it was not easy. But we certainly feel that your presence here will add a great deal to this hearing. At this time, I will turn the meeting over to you, Mr. Young.

STATEMENT OF AMBASSADOR ANDREW YOUNG, FORMER U.S. AMBASSADOR TO THE UNITED NATIONS

Mr. YOUNG. Thank you very much, Mr. Chairman, and forgive me, I was out of the country when I received by fax this invitation. And I came back last night, but did not have time to prepare written testimony.

Mr. PAYNE. That is quite all right.

Mr. YOUNG. I would like to say, though, that in terms of Nigeria's strategic importance, and Africa's strategic importance, right now we are talking about the budget, we are talking about stimulating economic growth and development.

The resources of Africa, the people of Africa, and the market of Africa, has always been of critical importance to the U.S. economy. And Nigeria at times has had—we have had a \$20, \$25 billion trade deficit with Nigeria. And we desperately need to maintain good relationships with Nigeria, for Nigeria's interest as well as ours.

Mr. Chairman, I think I may have a little different view of this and my view is not one of human rights activists, though I have a few credentials in that area. I want to talk about this as a practical politician. And one of the things that I have seen happen in several elections, and you mentioned Haiti, and I would say that the problems with Haiti and the military were not primarily those of Mr. Aristide. They were followers.

I was with Nelson Mandela a few weeks ago as he visited us and one of the things that impressed me about Nelson Mandela was that he said on several occasions that we don't have time to focus on revenge, recrimination and reprisals. And we want to start a new South Africa with a clean slate.

I would say that if that had been the spirit of the two parties, that we might have had the possibility of this election being acceptable. I think from the gossip and rumor, and my gossip usually

comes from fairly reliable sources on both sides, there was a panic over accusations of renegotiations of contracts, over the threat of retirement of certain officers in this reevaluation of the military, and that is not the kind of spirit to lead to a peaceful transition.

Now, Mr. Abiola and President Babangida, or General Babangida, have had a very good relationship obviously. Much of his business has been with the government. That could not have happened if he were not held in good favor and respect by the government. I was a part of a press conference that Mrs. Coretta Scott King and Reverend Joseph Lowry held in Atlanta, and one of the things that we talked about was the need for somebody, particularly someone with a military background, because I think what Assistant Secretary Moose said and what Assistant Secretary Woods said is very accurate, there are forces of goodwill, forces within the military, forces within the business community in Nigeria, that can be brought together. That what we need is somebody as a representative of an outside arbitrating force.

We suggested that the Congress or the President ask General Colin Powell as a special envoy of the President and Assistant Secretary George Moose as a special envoy of the President, to see if they could not reconstruct a transition that would give enough security to the military to leave power, that would guarantee enough power to the civilian government to respect the June 12 elections, and move on into a peaceful transition.

Everybody knows Nigeria is corrupt, everybody in Nigeria knows that. We are not going to solve that problem in one election. I was a part of this Congress in 1974 when we, after 200 years of democracy, finally got around to full disclosure laws and began to have the kind of reporting by our Government officials that began to give us some security against corruption.

Nigeria ought to be given enough—a little time to try to root out corruption and to develop a civilian structure that controls the military. There is no country in Africa or in the Middle East or anywhere else that has, outside of the developed nations of the world, that has the broad base of educated leadership in business, in civilian and the universities, and in the military, that Nigeria has.

But we are on the verge, I think, of a very dangerous time unless we can get some possibility of pulling this situation together. I approve, Mr. Chairman, of your suggestion that at least the visas and the bank accounts of those at the top of the military be impounded, or at least that some specific action be taken by the United States in behalf of a required transition to civilian rule.

I agree that the election on June 12 ought to be respected. But I think that there is a need for outside help. The United Nations doesn't have the power to go into an internal affair. But I think the friendship of the United States, and possibly Britain, to the Nigerian Government, is such that it would be possible for us to assist them in a transition to civilian rule.

A transition to civilian rule that enabled that strong wonderful country and its people to stay together. This is basically a fight at the top. But if the fight at the top is not mediated and settled, it is going to be the 100 million Nigerians that suffer. But if 100 million Nigerians start suffering, then all of Africa suffers, and indeed the United States suffers as well.

And I would hope that this committee, and I commend you, Mr. Chairman, for the action that you are taking in holding these hearings, and I hope that you can follow this up with specific actions by the Congress and requests to the President for action that would make it possible for Nigeria to move on and continue its role as a leader in the free world, with a free economy, and a democratically elected government that is run by civilians who enjoy the respect of the majority of the voters.

Mr. PAYNE. Thank you very much.

Let me just ask you one or two quick questions. I understand there is another vote on, which I didn't know was on, but just considering your many years of experience in African affairs and your intimate knowledge, as we all know, of Nigeria for decades, what do you feel are the best and the worst scenarios for this country at this time?

Mr. YOUNG. Well, the best scenario I hope is the one I described, where there would be some mediating force put in place that could help to facilitate this transition as of August 27.

If that doesn't happen, I think we ought to take a longer role, a longer point of view, but an activist point of view, that we are going to be involved and that we are going to follow the line that you and Congressman Jefferson have suggested, that we are not going to just look the other way.

But the reason I think these hearings are important is that—I almost hate to say it, that Nigerians have done a wonderful job of pulling together several hundred different ethnic groups and have developed a constitution which is one of the best in the world in terms of assuring representation.

And if that constitution can be allowed to function under civilian rule, I think Nigeria can continue to grow as a great nation. There are petty tensions and rivalries, though, that if this violence erupts, inevitably it is going to take on a regional, i.e., tribal kind of complexity. And I think that could happen—well, let's pray that that does not happen. But it will happen if we do nothing.

The situation will continue to degenerate. And I think that Mr. Abiola received votes all over the country. He is from the Yoruba land, but by and large has been very—as a Muslim, he has very good support in the North as well. He was the choice of the people who voted. And that choice should be respected.

There will be another vote soon, and one of the things we have to get people to understand in democracy is that you don't solve every problem in one election and that if we could survive under 12 years of Republican administration, as Democrats, and still come back and during the 12 years make some changes and make an opposition government respond, I think that that is the kind of thing emerging democracies must understand. I mean democracy doesn't depend on winning.

The minority in the democracy is also very significant. And you really—you can win an election with 52 percent, 51 percent, but you really can't govern a country or a city. You have got to reach out and find ways to accommodate the opposition.

I think that the civilian governments that you have had in the past in Nigeria have done a pretty good job of that. Even the military governments have done a pretty good job of dealing with the

ethnic tension. But in this kind of crisis, all of those tensions become far worse and more dangerous.

Mr. PAYNE. What—you know, going back to the history, as you know Frederick Douglas said no one concedes power without a struggle. What would make Mr. Bag—get this pronunciation—Babangida, what would allow him to just give up power?

I mean the people are speaking out, the students rioted, the people said we had an election and we selected a person and you have annulled it. Why would he then just move to something that is nice? I am not even talking about corruption. This election, you know, that is another issue that we were just talking about, the election process, the fact someone was the mandate of the people.

How would—why would the General ever give it up if the will of the people didn't work, and like I said, the corruption, we need to have a hearing on that some other time, just talking about the electoral process, the 3 or 4 years they have been having local elections, moving up to county, state elections, and then it was supposed to be June 12. And then that is annulled.

What—go ahead.

Mr. YOUNG. I think there is a tradition in Nigeria, even in the military, that the military should not be in power. And you have had a series of coups where younger officers have just taken over from older officers who were not ready to give up power.

And there will be a change in power in Nigeria. This will not last as it is. Our job is to make sure that it moves in a civilian direction, and that as much chaos as possible is avoided. One of the rumors that I—well, one of the reports that General Babangida made to the religious leaders in—when he pulled the Sultan of Sokoto and the Oba of Benin, and all of the traditional leaders of Nigeria together, he said that there were threats even then by younger officers to have a coup.

And that he was responding in part to problems within the military, and that this was the best of a bad situation. And he was pleading for their support and insisted that he was ready to give up. I don't—I know that people in Nigeria have no more faith in Babangida. I don't know the man. But I think that we have to find a way to get a best case scenario out of this difficult situation.

And right now I think it depends on convincing Babangida that he has stolen enough, get out, and start the process, that there are not going to be any recriminations, there are not going to be any trials, there are not going to be any retirements or forced retirements of younger officers, the contracts that have been negotiated in the past will be respected. And throughout Nigeria's coups, over the last 13 or 14 coups, one of the things that has characterized Nigeria is that every government respects the business deals of the previous government.

And they have gone on to—that is the only reason the economy has been able to survive with as much political uncertainty, that the economy is stable. Some of the rumors that I hear are that that was one of the threats that was coming from people around General Abiola. That contracts would be voided. And further that is understandable, but you have got to find a way to have a no-fault transition, and a no-fault transition to civilian rule.

And the institution of anticorruption practices from this day forward is a possibility, but government after government that has tried to solve all of its problems in one election has been overturned and usually when a government is overturned by force, it takes another decade to work through the process, to get back to where they were at that moment.

I hope we don't let this moment pass, that we recognize the June 12 election, and that we put in process the kind of forceful measures that you advocate, that will be an incentive for this military government to relinquish power to civilians.

Mr. PAYNE. Well, thank you very much. There is a vote on. I know you have to have some travel responsibilities and so unfortunately I will have to adjourn the meeting for about 10 minutes while we vote and the other panelists will be back at that time.

Thank you very much, if the other panelists would be kind enough to stay a few minutes.

[Vote recess.]

Mr. JOHNSTON. I apologize for this, but we had to fund the CIA today or who knows what would have happened. We do have some extra seats in here if anybody would like to sit down.

I don't know if anyone outside is still waiting. Dr. Joseph, I am going to start with you. And again please accept my personal apology, because I know you have come a long ways to testify.

STATEMENT OF DR. RICHARD JOSEPH, FELLOW FOR AFRICAN GOVERNANCE, THE CARTER CENTER

Mr. JOSEPH. OK. Thank you very much, Mr. Chairman. It is an honor to be invited to testify once again before you. I have a prepared written statement, which I request should be incorporated.

Mr. JOHNSTON. Without objection. Since I am the only one here, there is no one to object.

Mr. JOSEPH. Thank you very much.

Let me—before I—I have very much summarized my remarks because I knew time was going to be very short. But I do want to say just two quick things.

First of all, I was very touched by the actions you have taken with regard to Sudan, but I really want to call attention to the fact that we have a peace agreement in Liberia, which come up at the end of a long process, and those of us who have been involved with that very closely over the last few years are very much concerned about how the whole thing is going to be paid for, in terms of operations.

The second thing, I did listen to the exchange that took place between your colleague, Congressman Burton and the Representatives of our Government. And I was rather concerned that the elections of June 12 were now being made the issue, as opposed to what was done with regard to the results of that.

And so if I may just quickly make a few points here, and please convey that to the Congressman on my behalf. The first point is about bribery and corruption of voters in Nigeria. Mention was made of the fact that international observers had certified the elections as generally free and fair. In fact of far more importance to me, has been the verdict of Nigerians about that election.

People that I know for a long time and whose opinions I trust, and they have stated that this is the best election that Nigeria has had in its entire independent history. It also includes people like Professor Omo Moryui, who is the Director General of Nigerian Center for Democratic Studies and who also, in fact, organized a Nigeria observer mission of the elections.

The second point is that we Americans have to be careful about being purists, about this idea about money in politics. Vote early and vote often is part of our history. We did not throw out elections and the whole process as a result of that. We gradually worked our way through it.

And this is one of the important issues about Nigeria. The civilian politicians have not been given the opportunity to work through problems. The moment problems arise, in come the military supposedly to solve it.

The third point that was made was about the wealth of these two gentlemen, Abiola and Tofa. That is no accident. And in fact, the use of money to corrupt Nigerian politics from the other side, in other words, those who have been in charge of the process, I think if you want to extend an investigation in that issue, it should concern political candidates who have been funded by that government. It should concern members of the Nigerian, the National Electoral Commission who have had to stand aside because of their probity.

I mean these things are well-known, not only to me but to people in this room. And so the only people who were left standing at the end of this process were two very rich men and Abiola, of course, had the wealth and the contacts to be able to deal with this.

The fourth point was mentioned about the low turnout, 36 percent of this election. In fact, I think that this election was a remarkable triumph on the part of the Nigerian people because the fact that 36 percent of them went out to vote after we have had these three successive postponements of the elections, that just in November of last year we had 23 Presidential candidates who were dismissed, in fact they have recently been reinvited in, that after all of this has gone on for the last few years, that the people will still show up and vote.

Even last year, even 2 years ago they voted for a national assembly, two houses of a national assembly that has been sitting around doing pretty much nothing, and they still went out and voted at 36 percent as a triumph.

And the reason why they did so was because one way or the other whatever Babangida did, the Nigerian people would determine from every corner of the country to bring an end to this regime.

Now, let me proceed with my own comments. The Nigerian people have been subjected to a deliberate, calculated, ever-changing process of political chicanery during the past 8 years. I—for somebody who has worked very closely in Nigeria, the point in which I gave up was not June of this year. It was in 1989, when you had a constitution that was drafted and the government immediately amended the constitution, there were 11 amendments to the constitution.

I am not going to go over your amendments, but your staff can get those for you. You will notice that several of those amendments were just simply a case of a group of unelected people deciding what they think was right in areas really that were very open to debate.

And the second thing that happened in 1989 was when you had 13 political associations which, under conditions that were extremely restrictive in terms of time and what you were expected to do, went all over Nigeria soliciting votes, getting passport photographs, and all manner of foolishness, in order to be able to be registered as one of the two parties.

And when they finally came forward with truckloads of all of this stuff they were asked to prepare, the government said not good enough, they dismissed them, and we are going to create our own two parties. Mr. Chairman, that was a premeditated act. It was not an act that just happened. It was a premeditated act.

They put these people through all of that effort, dismissed them, and then set up their own what Nigerians would call parastatals. In other words, parties that belonged to the state. Now, everything that has happened since 1989 to June of 1993 is really just part of this whole process of sowing deliberate confusion, of lifting and shifting the bar, of humiliating and demoralizing Africa's most populous nation.

Now, let me move on to what is to be done. I must applaud the action taken by the U.S. Government and I am very glad to hear from Ambassador Moose today that they have other things in store if on August 27 we do not have a transition.

The second thing I mentioned in my statement is there must be no turning back, that we must be prepared to apply all necessary diplomatic and financial pressures. I am very glad to see that Congressman Payne has talked about some of the things that needed to be done. No matter how this military junta may disguise itself behind one smoke screen or another of some transitional administrative arrangement, and the kind of instruments that we talk about with regard to Zaire, with regard to South Africa, with regard to Haiti, we must get in readiness for what happens after August 27.

Now, when I prepared my statement, Mr. Chairman, I was unsure of which of a number of options would be followed. Of course there were three options. The first option was the government will wake up one day and have a change of heart and say, yes, we are going to go ahead and respect the vote of the people on June 12. Frankly, I was not too optimistic that would happen.

The other option was that they would hold a second Presidential election on August 14. Well, that was, as I stated very diplomatically, might be, but an absurdity. So we now end up with this other option of an interim administration, and I want to conclude my remarks with that scenario since it is the one that is obviously on the table.

Babangida never intended handing power over to an elected President of Nigeria. I have had very close colleagues who have argued this point with me going back some years. And they include a journalist I will not mention because I had to get him out of Nigeria and he is now working for one of our major newspapers. It

also includes the Honorable Eko Barbaru, who is the former President of the Nigerian bar association and who is now in this country and who fought, by the way, very much against this decree, number two, under which the human rights activists are presently detained, and it also includes the former President, head of state, Olusegun Obasanjo, and this over a period of time that this government was not going to do it.

So the option for his leaving has really boiled down to two choices. I call them worst case scenario, and catastrophic scenario. And it is funny, but I am not being funny. The worst case scenario is the one that is presently under way now. It is really one in which an unelected civilian group of persons will take power from an unelected group of military officers according to terms imposed, however camouflaged, by the outgoing team.

As a condition for its leaving, there will be no investigation of abuses of power during the past 10 years, there will be no investigation of the diversion into private accounts and private property of a substantial proportion of Nigeria's national income, there will be no interference with the command structure of the Nigerian military and the way it has restructured itself to maintain power and retain its flexibility, and also no dislodging of its now dominant position in the Nigerian polity, whether it is in or out of power.

Any transition to an interim civilian administration will be a highly conditional one, with the outgoing military junta and especially its leader enjoying an explicit or implicit veto.

Mr. Chairman, what is given can be taken away. Here are my recommendations:

The first, we must prepare for the long haul. We have to be prepared to deal with Nigeria the way we deal with countries like South Africa, the way we deal with countries like Zaire today. It is a long haul, it goes well beyond August 27, and I have discussed that at some length in my paper.

The second, we should regard the current hand-over as a technical exercise similar to any of the past political acts of this regime during the past 8 years. And when I say technical, I mean that it is just something done for the moment, there is going to be other things down the road.

Third, we must maintain our contact with the democratic activists and human rights leaders and continue to support and defend them.

Fourth, we should also regard any interim administration on a conditional basis because its authority is conditional.

There does remain an elected Nigerian President who has not been installed in office. There are parallels between Abiola and Aristide. They are not parallels in terms of their bank accounts, and certainly not in terms of their political philosophies, but from a constitutional standpoint. And the only difference is the timing, Abiola was stopped before he was installed in office, but the results are known, and Aristide of course was kicked out once he was in office.

But from the standpoint of the U.S. Government and our insistence on supporting constitutionally democratically elected leaders throughout the world, and our resistance to the removal of those

people unconstitutionally by force, there is no question about how we should stand with that.

Neither Nigerians nor the international community will be able to just wash its hands of June 1993. We must not allow that to become an historical footnote.

Let me try to conclude very quickly. If Nigeria is to be a democratic nation with a government of and by the people, if the institutions of the third republic, the judiciary and the legislature and others, are to function correctly, if the military is once again to serve the nation under civilian control, and if the Nigerian state is to regain some measure of probity and predictability, the electoral vote of the Nigerian people on June 12, which is the most broad-based support that any candidate for national office has ever achieved in the history of the Nigerian Republic, that must be acknowledged.

Invariably in order for Babangida to go, some kind of a device like this was needed. But the only value is of a saving feature that will allow him to go and then which very quickly moves toward a return to the constitutional process.

Let me just tell you about the worst case scenario. I mean I said about the worst case.

Mr. JOHNSTON. Quickly.

Mr. JOSEPH. Let me tell you about the catastrophic scenario. The catastrophic scenario, because obviously he is not going to hand power over to Abiola, is a repeat of what happened on April 1990, when there was an attempted military coup, and one of the things that the people in that coup stated was that they were doing this for a whole variety of reasons, some of them rather bizarre, but one of them was they believed that Babangida had no intention of handing power over to civilians.

In the present climate, if a group of military officers, because they are the only ones who can do it, the other people can just get in the street and get shot down, if they were to attempt an operation like that, it could trigger off a mass uprising of the people against a regime which is deeply entrenched and is well-prepared for such an eventuality.

Mr. Chairman, the horrors of what can ensue in Nigeria is just like I said, too much to contemplate. So we have got to work with this worst case scenario. And we have to do so by really sending a message that we see this only as a way of helping Babangida out and then really putting all our pressure on those people who turn over, who take over power, that what we said to Babangida applies to them equally, that we want them to return to the constitutional process.

Thank you.

Mr. JOHNSTON. Thank you very much.

[The prepared statement of Dr. Richard Joseph appears in the appendix.]

Mr. JOHNSTON. I am going to ask Mr. Copley to be the next speaker, if you don't mind.

Ms. BURKHALTER. Of course not.

STATEMENT OF GREGORY R. COPLEY, EDITOR, DEFENSE AND FOREIGN AFFAIRS, STRATEGIC POLICY

Mr. JOHNSTON. We have your 15 page report here, Mr. Copley, so if you could, if I could limit you, you are asked, all of you, to give a 10-minute presentation. If you could hold it to that I would appreciate it, sir.

Mr. COPLEY. No problem at all. Thank you very much, Mr. Chairman and members of the subcommittee, for inviting me to appear here today to discuss this issue, which is, of course, critical not only to Nigeria and Africa, but to the United States.

My name is Gregory Copley, I am editor in chief of the Defense & Foreign Affairs group of publications which circulates to governments in about 130 countries.

Nigeria's Government and its two political parties have this week agreed on the formation of an interim government, which will be substantially civilian in nature and will be headed by a new civilian President. This interim government has been given a deadline of 15 months to bring into effect a durable, elected Presidency to complement the 2 existing democratically elected houses of the national assembly, the 30 democratically elected state governments, and of course all of the democratically elected municipal councils.

The United States failed to play a decisive role in the creation of the democracy process thus far in Nigeria. It now has at least 15 months or at best 15 months to help ensure that the forthcoming elected Presidency and government will reflect the wishes of the Nigerian people and provide an efficient and strong basis for Nigerian democracy and economic growth.

Nigeria as the leading economy and largest population in Africa sets the tone as we have heard for what happens elsewhere on the continent, so it behooves the United States to help Nigeria work toward this durable form of democracy, regardless of the short-term difficulties in recent bilateral relations.

What is critical for the United States is that Nigeria sets a standard for honest elections and viable government. And short-term delays in achieving this are preferable to long-term chaos for Nigeria and Africa. Nigerians enjoy greater freedoms and democracy than virtually any other state in Africa, the difficulties notwithstanding.

Even under military governments, Nigerians enjoy a strong free press, freedom of speech and assembly, religion and movement, and a judiciary which despite its problems is still one of the most independent and scholarly in Africa.

President Ibrahim Babangida has been accused of clinging to office. This week's events where he is actually handing over prove that claim to be patently untrue. Delays in the final election process for the Presidency have occurred largely because of public apathy and political corruption in the civilian sector.

The corruption issues which caused the delays in the June 12 elections can be laid at the doors of the two Presidential candidates. Most of the vote rigging occurred during the Presidential primaries and during the party conventions, particularly Chief Abiola's Social Democratic Party convention at Jos in March this year.

It is important to look at the personal and business background of Chief Abiola to see that this man is no champion of democracy. He is a man who, as he said at the Jos convention, would have run Nigeria's Government as his business concern.

The alleged levels of corruption, misrepresentation and misregistration and fraud in the primary process, and I have documentation of this fraud, were the subject of court rulings which dictated that the June 12 election should not occur.

And when they did occur in violation of the court order, we saw overwhelming evidence that the voters of Nigeria boycotted the elections and it is this boycott of the elections which should have drawn the attention of the United States.

At most, only some 14 million people voted in the Nigerian election of June 12. That represents, as we heard, about 15 percent of the population and only 35 percent of registered voters. And many of the votes were on illegally acquired voter registration cards.

The candidates for whom the votes were being cast had achieved their candidatures allegedly through fraud and corruption. At most only 8 million or so people voted for Chief Abiola. That is 8 percent or just under of the Nigerian population. And of those voters, 80 percent were in the Yoruba, the same ethnic group as Chief Abiola. Now can we assume even if everything was above board in the process—

Mr. JOHNSTON. What was your authority for that last statement?

Mr. COPLEY. Authority of the last statement, if you look—

Mr. JOHNSTON. One second now. The statement in which 80 percent of his vote came from his province.

Mr. COPLEY. From the Yoruba area, that is correct. If you look at the numbers.

Mr. JOHNSTON. That violates every documentation we have.

Mr. COPLEY. Well, it doesn't violate the documentation I have, Mr. Chairman.

Mr. PAYNE. Also, just on the 8 million votes, you say 8 percent. How many people would be eligible to vote? Everyone, all 100 million people in Nigeria are eligible to vote? There are no children, there are no one under the voting age?

Mr. COPLEY. I said 35 percent of the registered voting and about 8 percent of the population.

Mr. PAYNE. I am talking about population. What does population have to do with anything? How many of these people are under the age to vote? Probably 50 percent of the country is under 18, probably 60 percent.

Therefore why would you take a number of 100 million and then take 8 million? You are not going to—you are not counting babies, are you?

Mr. COPLEY. Any government—

Mr. PAYNE. They can't vote.

Mr. COPLEY. Any government, Mr. Payne, I hope you would agree, represents all of the people, not just the registered voters. I did mention that there were 35 percent, 35 million—sorry, 35 percent of the registered voters voted and I agree with the earlier speakers in that regard.

Mr. JOHNSTON. Please continue, Mr. Copley.

Mr. COPLEY. Thank you.

But can we accept that if there is an overwhelmingly singular ethnic group dominating any new government, that the rest of the Nigerian population, which is made up of 700 or so language groups and hundreds of ethnic groups, would they accept this sort of domination? It is hardly likely.

And to have accepted that situation would have been the recipe for possible civil war, not the rejection of the election. Now, most—we have got to also bear in mind that 21 senators, all 21 senators from the eastern region across party lines 2 weeks ago signed a letter saying that the—that Chief Abiola should not rock the boat and should stay out of this process of transition.

Most foreign correspondents and foreign embassies are receiving the bulk of their information on the Nigerian crisis from the Nigerian press. We should be reminded that the Nigerian press, which has—the largest of which is the *Daily Times*, has a circulation of about 60,000 people. And this is in a country of 90 million or so people.

So the press does not represent the bulk of the Nigerian population. You have got 80 percent of the Nigerian population being rural and they are visibly apathetic toward politics and politicians. Furthermore, we have to look at the degree of fraud or the degree of corruption which has gone on among many journalists in Nigeria, particularly in light of the fact that Chief Abiola himself said that he spent 1.2 million naira, about \$40 million, on the election process.

But let's turn away from the fact that there were patent allegations which were upheld in the court of fraud in the process leading up to the election, and look at the significance of Nigeria to the United States. Nigeria, as we have heard, has deployed peacekeeping troops to Liberia at the request of the Bush Administration in 1990. That, we see now, where Nigeria is fighting this war at a cost of \$.5 million a day in foreign currency, foreign reserves, plus local currency costs and lives and morale. It is getting no quid pro quo from that from the United States.

Nigeria has supported the U.S. antiterrorism campaign and even while the United States has been attacking Nigeria, it has in the past 2 weeks handed over a Palestinian terrorist to the United States who is wanted in this country for the killing of a U.S. citizen in the Egypt Air hijacking in 1985.

Nigeria helped the United States move the CIA's Libya force out of Chad a few years ago when Chad's Government collapsed. It housed and fed the CIA force at the request of the U.S. Government. Nigeria has consistently helped crack down on the narcotics trade, as difficult as that has been for Nigeria.

Nigeria is a major oil supplier of course as we know to the United States and will soon be a major supplier of natural gas products. As a member of OPEC, it has always taken a moderate and pro-Western line, which is more than can be said for other allegedly pro-U.S. countries.

The Babangida administration also played perhaps the key role behind the scenes in negotiating an end to apartheid in South Africa. It didn't do the Hollywood style grandstanding, it worked behind the scenes and it helped bring all of the South African factions to the table and also helped to ensure that they would feel

that they could be welcome back into the African mainstream without violence.

Nigeria's Armed Forces are, across the board, I think, anxious to return to the barracks. They have suffered enormously from taking on the civil role of the past 10 years. They have had virtually no new equipment, they have had very little improvement in their procurement, their way of life, their pay and uniforms and so on. And finally, the Babangida administration, at the urging of the U.S. Government, lifted a grain embargo which would have—which had stopped all importation of U.S. grains into Nigeria.

The embargo had been placed in order to help Nigeria's agricultural sector get off the ground. The United States put enormous pressure to have this embargo raised and it was done to help U.S. farmers. There was no acknowledgment or quid pro quo for that.

We have heard today of the problems in Sudan and elsewhere in Africa. And we are—and yet we see Nigeria, which has worked well with the United States, which has taken many, many of the steps along the road to democracy, being singled out for opprobrium of a disproportionate nature by the United States.

What I would like to ask is this: Because of the vast amounts of money which has been spent on lobbying and press manipulation by the candidates and is this finding its way into the media and other sectors in Washington? Is it really the cause of the opprobrium and are we not getting this out of proportion?

Thank you very much, Mr. Chairman.

MR. JOHNSTON. OK. Thank you. Ten minutes and 42 seconds, very good.

[The prepared statement of Gregory Copley appears in the appendix.]

STATEMENT OF HOLLY BURKHALTER, WASHINGTON DIRECTOR, HUMAN RIGHTS WATCH

MR. JOHNSTON. Ms. Burkhalter, I appreciate you being very patient with us.

MS. BURKHALTER. Thank you very much, Mr. Chairman.

First, I have to begin by thanking you and your very excellent staff for doing a hearing of such importance, but particularly a hearing the week before August recess. I worked for Congress about 11 years ago, as a matter of fact, I worked for this committee, and I have vivid and unpleasant memories of how much work there was to do the week before people go home.

And your energy and time and commitment in spending days on this really mean a lot to me and to Nigerians and to all of the human rights community. Thank you so very much.

I am going to say just a little bit about human rights issues. I think they have been covered in this hearing and frankly Ambassador Moose's own statement can hardly be improved on. He mentioned many of the things I would have said. Thus, I want to in the few minutes I have turn my attention to U.S. policy.

But at the outset, I would say that certainly the issue of human rights abuses in Nigeria is not a new one. It did not begin in June. We at Africa Watch, a division of Human Rights Watch, which I represent, have had long concerns about human rights in Nigeria.

The events in Nigeria around the last several months and the control of the electoral process is in a way a microcosm of the human rights problems that Nigeria has had for many years, but in particular we note that abuses against the democracy movement, against human rights monitors, have been very much an instrument of controlling the political process.

There has been the closing of all independent press. The police and military have been unleashed to halt peaceful demonstrations, firing on unarmed people on a regular basis, killing many. There has been the jailing of pro-democracy activists and human rights monitors, and I would be remiss if I didn't mention at least the names of three. They are our colleagues and our counterparts and I want the record to note that Dr. Beko Ransome-Kuti, Chief Gani Fawahinmi and Femi Falana, who were involved in the campaign for democracy, are in detention, charged with sedition and conspiracy which carries a death sentence in Nigeria.

We are particularly concerned about our friends, our colleagues, our counterparts, because no family members or lawyers have seen them and, from what we know about Nigeria's prison conditions, they could be in very deep trouble indeed. According to the excellent Nigerian human rights organization, the CLO, literally thousands of prisoners die within Nigeria's jails and penitentiaries because of appalling negligence and malnutrition and to think that our human rights friends and compatriots are being held in such circumstances with no one to see them and attest to their safety and health is very disturbing indeed.

I would also note that perhaps even more seriously than the individual violations against some of the people I have named, the Nigerian Government's involvement in fomenting and whipping up ethnic conflict around the country is of utmost seriousness. A previous witness at this hearing referred to ethnic divisions in Nigeria as petty.

I do not share the view that Nigeria's ethnic divisions are petty. But I think that because we have seen just in the last year thousands of lives lost in areas of the country, the Tiv versus Jukun conflict where 5,000 people have died, in Taraba State where the government forces played a real role in failing to suppress violence and indeed occasionally engaging in it.

I could give you a recent example of how the government is involved in fomenting ethnic crisis and ethnic tensions that could really tear Nigeria apart, something that would be a great disaster for that country and for the continent of Africa.

And that is the case of Ker Saro-Wiwa, who is the president of Nigerian Authors and spokesperson for the Ogoni minority group. He has been detained for more than 6 weeks. He is not a healthy man, he has a heart condition, he is getting no medical care. And when the Ogoni minority group attempted to protest peacefully against his detention, the authorities turned on them with bullets and teargas. This goes beyond the abuse of a single individual, and has implications for the way Ogonis and other minorities within Nigeria feel about their government.

Inevitably, when people do not have the opportunity to participate in the political life of their country, when they don't have the opportunity to freely participate in political associations and iden-

tify themselves as Nigerians, or Liberians or Somalis, they quite understandably take refuge in other forms of self-identification, Ogoni or maybe some other group among the 250 other ethnic groups within Nigeria.

Thus the tragedy of the recent events in Nigeria is that Nigerians, after having surmounted all of the obstacles described by my friend and colleague, Dr. Joseph, still turned out to vote as Nigerians and crossed ethnic lines and crossed regional lines and crossed religious lines to choose to make the only choice that was offered them.

And here I think we should all be very precise, that Mr. Abiola is not Mr. Aristide. He was the government's handpicked candidate, the platform was manipulated, the whole campaign was a creation of the military. This is not Thomas Jefferson.

But it was the only choice offered Nigerians. And they came out and chose, showing really quite a remarkable faith in the possibility of involvement in the political system. I would also remind everyone that this is the first step of a democratic process, and not a very good one either. It was a very limited choice.

But it was a step and a step that Nigerians deserve to have honored by the international community.

Mr. JOHNSTON. Let me interrupt you, if I may. What is your opinion of Dr. Joseph's statement, though, that Babangida never intended at all to ever give up control of the government to the civilians? Why would he go through this charade then if that were not his ultimate intent?

Ms. BURKHALTER. I can't penetrate the interstices of the general's mind, but certainly I think it was—

Mr. JOHNSTON. I haven't a slight idea what interstices means.

Ms. BURKHALTER. The little wrinkles.

Mr. JOHNSTON. OK. Thank you. Why don't you say that?

Ms. BURKHALTER. Certainly I—without being the expert on this question that Mr. Joseph is, it would appear to me that the intention of the military elite was to create a tame civilian government.

And it is my suspicion that they viewed Abiola as less tame than the alternative and the whole process was stopped. But that would be my speculation.

Mr. JOHNSTON. I didn't mean to interrupt you, but I had to ask that. I will get back to Dr. Joseph later.

Ms. BURKHALTER. He is the authority. I would move to U.S. policy and I have some policy recommendations, but again, I want to stress that the significance—that the reason why I call for a very strong U.S. response, and a stronger one than we have seen, is not because I view this election as having been a perfect democratic experiment. It was a poor one, as I said, it was a controlled experiment.

But precisely because I think that it was so very important to helping stem the possibility of great ethnic conflict in Nigeria, and because I think it is terribly important that it be seen as what it was, an opportunity for Nigerians to identify themselves as Nigerians and their zeal to participate in something other than ethnic identification of themselves.

Accordingly, we praise the Clinton Administration really quite warmly for a strong policy and in particular I would note my ap-

preciation of the strong statements that have been made both in Washington and in Nigeria by Ambassador Swing. But also I am very pleased to note that we have not only cutoff U.S. military assistance, but also we are reviewing commercial licenses for military sales with the presumption of denial. It is a very important step and much needed.

The additional steps are the interesting question. I think that among the things that have to be on the table, if Nigeria continues to engage in gross abuses such as those described in my testimony and refuse to go back to a political process that honors the Nigerian people's choice, they must include strong U.S. and I hope European action within the international financial community.

I am thinking specifically of the World Bank, and the IMF. We have human rights law that already should determine the way we vote and behave, we the United States, in those bodies, and we had better use it in the case of Nigeria.

Also certainly the question of Nigeria's debt rescheduling, human rights and democratic development must be on the table during those discussions.

In conclusion I would say just a word about our Ambassador in Nigeria. Ambassador Swing has done a superb job and he is being replaced. I think my written statement wrongly said he was being withdrawn. He is in fact being replaced. But I would very much like to thank him for the attention to human rights that he has shown, and I would also like to offer a cautionary word.

Some say that Ambassador Swing had little access with the Babangida regime because he was so outspoken on human rights and on democratic development. Maybe he was a little bit like his counterpart in Kenya who was much disliked by Mr. Moi, but very much loved by the human rights community. Of course I am referring to Ambassador Hempstone.

And I would hope and expect that Ambassador Swing will not be replaced by someone who is less vigilant and less irritating to the regime, and that the transfer, the replacement of Ambassador Swing does not signify in any way a diminution of U.S. concerns that he so ably represented.

Thank you.

Mr. JOHNSTON. Thank you very much.

[The prepared statement of Holly Burkhalter appears in the appendix.]

Mr. JOHNSTON. To the members of the panel, I realize that it is 10 minutes after 5 and if you have to leave, I can understand. I will stay as long as we can.

Dr. Joseph, you know, I find a little distance between you and Ms. Burkhalter saying that there is nothing right with Nigeria, and Mr. Copley saying there is nothing wrong with Nigeria. So is there something in between there?

And I really question comparing Nigeria to South Africa and Zaire. Isn't that a little strong?

Mr. JOSEPH. I wasn't comparing Nigeria to South Africa and Zaire, no. In fact, for somebody like myself, to even put Nigeria in that category is a very painful acknowledgment that Nigeria would ever find itself bracketed in that way, or that we would even have a hearing here which talks about taking sanctions against the Ni-

gerian Government for not respecting the will of the people. Even I am having difficulty coping with the sad state of affairs.

But I was really talking that Nigeria now has put itself in that category. And that we would like to halt the process before a few years down the road you are holding hearings that would make parallels with Nigeria and Sudan and Nigeria and Angola and others.

Let me say one other thing just as an aside. Mr. Chairman, you know that members of the African activist community have taken you under our wing and are very pleased with your willingness to devote yourself to learning. I brought a very small pile, I promised last time.

Mr. JOHNSTON. Yes. Keep feeding me with your books.

Mr. JOSEPH. That is right, it does include a copy of my book, "Democracy and Prebendal Politics in Nigeria". I promise you nothing that is too difficult. But it was an edition that was published in Nigeria, it is not just the external edition. I also have a copy of the speech that I gave at the time, the launching of that book in 1990, called "Challenge of the Nigerian Third Republic". Nigerian newspapers serialized it. I mean a lot of it was work written in very nicer terms than I am using today, but they understood what it was about.

And finally, this issue of Africa Demos, where we monitor those developments, and my staff did work very hard to get this out in time for these hearings, because Nigeria does feature in a country that has now slipped in terms of how we want to talk about it. I hope that I have—

Mr. JOHNSTON. When were you last in Nigeria?

Mr. JOSEPH. I was last in Nigeria in—2 years ago, 1991. But like I said, we keep regularly in touch. And previous to that, I was in Nigeria almost every year or every 6 months.

Mr. JOHNSTON. Mr. Copley, when were you last in Nigeria?

Mr. COPLEY. Couple of weeks ago, Mr. Chairman.

Mr. JOHNSTON. You said earlier that you had documentation of the fraud of the election.

Mr. COPLEY. Yes.

Mr. JOHNSTON. What is your documentation, sir?

Mr. COPLEY. It is a report which was compiled, part of it is a report which was compiled by the National Electoral Commission immediately following the SDP primary convention in Jos, where they outlined how even the NEC officials went into the situation and were able to buy voting booklets and so on themselves.

I am happy to get a copy of this report to you.

Mr. JOHNSTON. Who appointed the National Electoral Commission?

Mr. COPLEY. The whole—I mean you can get back to where does everything originate from in the transition process, and that is a fair question. The National Electoral Commission was appointed by the government as a whole, not just by the military, by the civilian cabinet as well.

The NEC in fact has come out of this looking fairly badly because it has—it was pushing for the elections to go forward and encouraged the President to go forward with the elections, so they certainly have not come out as an anti-Abiola candidate.

In fact this—I have a feeling that this document where they complained of the problems at the Jos convention, was in fact probably kept pretty quiet for a long time. But there were—nobody wanted to interfere at that stage.

I think there was a great sensitivity toward the charge that the government had taken any excuse to stop the electoral process going forward. And it wasn't until the courts actually were brought into the matter by a voter group that the government itself was basically put in the position where it had to act.

I think from my knowledge of the President and the people around him, they would have just as rather seen this election go ahead and walk away. They knew that there was not going to be any retribution from either Mr. Tofa or Mr. Abiola if either of them got into power. There was no question, as is traditionally the case in the hand-over of governments in Nigeria, there is no looking back, there is no court-martials, there is no investigations of corruption.

Certainly neither of the Presidential candidates would like to see corruption trials start on anybody because the finger would certainly swing around to how they acquired their wealth. So the government of President Babangida was happy to see this go ahead and had the court challenges not occurred, I think we would have seen an election which would have been accepted and gone ahead with.

But the fact that the court challenges came the day before the election, and then the court ruling subsequent to the election came up, it totally skewed the whole process.

Mr. JOHNSTON. Let me go back to the courts. Now you earlier said it was an independent judiciary.

Mr. COPLEY. Fairly independent judiciary.

Mr. JOHNSTON. Fairly.

Mr. COPLEY. As independent as you are going to get in Africa.

Mr. JOHNSTON. Well, let me ask a favor. The audience has been very good up to this point, and let's not ruin it. But after the election, a lawsuit was brought and the government—

Mr. COPLEY. Before the election.

Mr. JOHNSTON. After, there was also—

Mr. COPLEY. After, yes.

Mr. JOHNSTON. And the government stepped in and removed jurisdiction from the court—

Mr. COPLEY. That is right. The process I think—in fact I am not commenting either way on whether this was a good decision or a bad decision. But the feeling—

Mr. JOHNSTON. Kind of shoots an independent judiciary in the head, doesn't it?

Mr. COPLEY. This is I think the problem with any nonelected government, is that there is a conflict as to how they make decisions. Whereas if you have a system as you have here where the Congress makes a decision, then there is some at least validity for—in a legal process.

Mr. JOHNSTON. Ms. Burkhalter, excuse me, which element of the security forces in Nigeria is the greatest perpetrator of human rights violation? Is it the police, is it the army? Is it everyone?

Ms. BURKHALTER. My understanding is that the—is that the main perpetrators of the rounding up of dissidents, torture, are the special forces, the police. I wouldn't—I wouldn't say the military is out of it altogether, but the Nigerian military has largely not been engaged in abuses against Nigerians to my knowledge.

And the President's own security people tend to be abusive, as they are in many countries, and the police generally are pretty brutal, but sometimes you get combination operations. If you have a big ethnic unrest in an area, you will get operations that have the police, the special forces and the military, and all are known to open fire on protesters.

Could I have just a sentence on the question of the independence of the Nigerian judiciary?

Mr. JOHNSTON. Please.

Ms. BURKHALTER. I think it is ironic that the Babangida regime is sort of relying on the injection of the judiciary to stop the elections. In fact, there is not judicial independence in Nigeria. The judges serve at the pleasure of the government. The government relies on a constant barrage of military decrees, some of them retroactive.

The government flouts the law on a regular basis. They have set up a sort of parallel system of special tribunals which try most of the cases of importance for the government and many of the political people that are serving time are tried under such tribunals that lack due process.

There is this infamous decree, too, that one of my colleagues referred to, that permits the government to hold just about anybody for any length of time without charge, and I think that there are many African governments which have made a much better attempt at a decent judicial system than Nigeria.

Mr. JOHNSTON. Before I turn it over to Mr. Payne, Mr. Copley, you ended your testimony with a question to me, I believe, as to why we were coming down so hard on Nigeria. May I just make an observation.

I agree with everything you said at the end of your prepared statement, that Nigeria has been a very, very good ally. I have met many times with the Ambassador, who is in the room today, I find him a very knowledgeable, very kind, very gentle man. I have met with the ECOMOG leaders, which complimented the Nigerians time and time again, every time it comes up, that without them, you know, western Africa would be in a sad state of affairs.

But our love affair with Nigeria has been in large part because of what was to come. And the postponement of the elections—we were all very, very excited that finally the elections were going to come, you were going to have national elections.

And, you know, I am not ignoring the human rights violations that she has enumerated, but it was an arranged marriage there between the two parties, between the two candidates. And then to summarily set the election aside, to summarily state that the two candidates would not be authorized to be candidates in the future by some rigging of the age requirement for a candidate, and to summarily tell the supreme court that they could not decide this case now. I have time and time again said to various countries in Africa that we cannot superimpose our idea of democracy over

theirs, but at a time when you had a country that has only enjoyed civilian control for 10 out of the last 4 decades, we were looking ahead.

And I do not think that the State Department or this committee or any arm of the American Government has overreacted to this. It is mainly our disappointment, our sincere disappointment with what has happened there.

Mr. Payne.

Mr. PAYNE. Sorry that I missed the testimony so therefore it makes it a little difficult to ask questions, but I know Mr. Joseph stated earlier that as Americans, you know, we should be proud of the firm and principled position our Government has taken against Mr. Babangida, against the regime.

I sort of question that if we had known earlier that the process was flawed, and I don't know if we were watching enough, the question is why did we allow it to continue on without speaking out before that came about? And I just wonder when did we—when did it become clear to your knowledge that this process was flawed and in trouble?

Mr. JOSEPH. Yes, all right, thank you, Congressman Payne. In my prepared statement I direct your attention to my discussion of Nigerian/U.S. relations, because it is very relevant to it and I give a kind of synopsis of the history of our relations with Nigeria.

And I won't go over those points because it serves as kind of a background as to why we have operated in this way. In many ways it is mentioned how Nigeria has been a very important ally of this country and how we worked together on a whole number of issues and some of the things cited by Mr. Copley is relevant to that.

But in terms of dealing with this transition—and I have to try to speak a little carefully now and get back into my more diplomatic approach to dealing with things. You have not heard me in my usual form, Mr. Chairman, but Nigeria is rather special to me.

Mr. JOHNSTON. No, so far you have not sugarcoated your testimony.

Mr. JOSEPH. As you know, my center is involved in election monitoring in many countries. And there were very special attempts made to explore us playing a role in terms of this transition. And this involved missions that I have conducted, missions that I have organized in terms of other U.S. organizations involved in this.

So I am just telling you there has been a lot of work that has been done. It is also the case that previous diplomatic representatives of this country, and one Ambassador in particular, did try very hard and fell out of favor, before the present incumbent, and so relations have been really souring. They have been working very hard behind the scenes.

So there's a lot of background that I am sure I would apprise you of how both governmental and private civic actors have been involved. Trying to remember, Mr. Payne, you had another part of your statement that I considered very important, but unfortunately it slipped my mind.

Mr. PAYNE. At what point did we know that this—

Mr. JOSEPH. Oh, yes, in my earlier statement we all have different points in which we fell off the wagon as it were. In my point, as I mentioned, it was in 1989. Mr. Chairman had asked my col-

league here about my statement that this head of state had no intention of doing so, and the reasons for that.

And let me just say a quick word about that. First of all, the propensity of evidence. I think if you look at General Obasanjo's very extended interview in Tell magazine, where he gives his assessment, many of us really held faith for very long time.

The second thing is I hope that you would have a chance to look at the statement by a Mr. Abimbola Davis, of rather ill repute, but a man who decided to reveal all on July 16, I believe it was the date. And he just indicated the most recent shenanigans and how it was done, and how, for example, these court rulings were really cooked up, I mean showing the way in which the court in fact has been demoralized and debased by this process.

There are many people who have been involved in these operations with reports to make. And I have been—had the opportunity to listen to reports privately made. And this is why I made the statement, that the dismissal of the 13 political associations in 1989 was a premeditated act because this was on the basis of people very intricately involved in the process.

Mr. Chairman, there are Nigerians in this room, and you know Nigeria has been humbled by this experience to the extent that something like the Nigerian judiciary, and by extension, African judiciary end up being slandered. I happen to know a number of Nigerian jurists.

You have had Nigerians who have served on the World Court, you know, with great distinction. Nigerian jurists are very often called upon to serve in other countries throughout Africa because of their reputation, and that is really well-known. Justice Eguda is one of my closest personal friends, former Director General in the Nigerian Institute of International Affairs.

I mean it is really alarming that we will now use something that has been done to the judiciary, you know, against this process.

Oh, and lastly, Mr. Chairman, the one thing that has not come up so far in this discussion with regard to the cancellation of the June 12 election, is that there were procedures—remember you asked me the question when I was here on April 22, do I believe there could be a free and fair election in Nigeria, and I said to you that is not the problem because I know the people involved.

No country in Africa, probably no country in the world has done more than has been done in Nigeria to deal with these electoral matters and work out all kinds of procedures and so on. And I told you the issue was whether the Nigerian military would honor its promise to hand over power.

Now, what I want to go on from that to say and nobody has mentioned, there were procedures for challenging election results in Nigeria for election—for challenging misconduct. They were there, that had to be done. So after the elections, it was possible for all of these things that were being said to go through those procedures. In fact that was not done.

And in fact even according to its own regulation, the Babangida government acted illegally in canceling and not allowing these results to go through, because they were just there and they were clearly specified. So let us be aware of exactly what happened.

This was—there were procedures and this was why one of the things I left out in my oral statement but I think is very important, that if this interim administration comes into effect and takes power over from Babangida, one of the things it seems to me that they must do is they must now allow those procedures to be followed, to review all of those charges that are coming out from all over the place about those elections and set up, you know, a relevant tribunal or whatever to look at it and make a judgment.

And then if the decision comes out that this election was a legitimate election according to the law of Nigeria, then there is no question about what should follow.

Mr. PAYNE. Thank you. I was going to ask you what do you think—and before I didn't quite—I caught a part of your statement, but I thought you were alluding to the fact that the transitional government should come in and then set up an apparatus for future elections.

But you are saying they should review the June 12 election and the procedures.

Mr. JOSEPH. Oh, definitely, Mr. Chairman. We have an election and the people voted and have expressed their will, and that is an unfinished story. That has to be completed.

Mr. PAYNE. Right. Ambassador Young, I am sorry that he is gone, was saying perhaps, you know, we could move on and it is going to take time.

Do you feel that the tension, when an election is held and people have spoken, that perhaps can become more severe? Is your opinion of whether the crisis has subsided and the Nigerian people are in general willing to accept what has happened or do you envision a continued protest and perhaps a disobedience?

Mr. JOSEPH. Mr. Chairman, for someone who has worked very closely and dearly with Nigerians, the Nigerians have been remarkably restrained in this whole effort. You know, sometimes memory dulls, but the history of what went on in the western region, in the mid-1960's and the whole Nigerian civil war, is something that is certainly not dulled to many people in this room.

I don't think anybody should delude themselves that because people have been restrained, that it means that in fact this thing is not very, very deep. I believe that, you know, when you have an act against a people, and this is really an act against the will of a people, the people have acted, and this is something that will stay there, it will not go away.

And it is something that has to be addressed and has to be resolved. And I feel that that will be the lurking issue. We do—the June 12 issue and the fact that the Nigerian people according to all democratic knowns and procedures were able to vote and there was an election, that was certified and that the results were not released.

It seems to me that that is the issue that can explode that country, and it has to be dealt with.

Mr. PAYNE. Thank you very much.

Ms. Burkhalter, what would you recommend just briefly in a few minutes? I missed your recommendations, if you made any. What would they be?

Ms. BURKHALTER. In particular, I talked about if there were future steps to be taken in addition to those already taken by the Clinton Administration, I think that World Bank loans, IMF and the debt rescheduling issue have to be looked at in the context of political, you know, democratization and respect for human rights.

And I also think that the United States needs to keep the decibel level high with respect to denunciations of not just shenanigans around the electoral process, but ongoing human rights abuses, and particularly those that have taken place in recent weeks to suppress the voice of democratic leaders and democracy movement heroes in Nigeria.

Mr. PAYNE. What do you think about economic, other than the World Bank embargo on Nigerian oil, other products?

Ms. BURKHALTER. It takes me beyond my mandate at Human Rights Watch to be talking about the big hammer in terms of trade sanctions against countries and I would be reluctant to step into that quagmire.

Generally speaking for myself, I generally tend to reserve the really tough sanctions that tend to have a terrible impact on the poor, such as oil embargoes. Look what happened to the Haitians, the Haitian poor. I am rather uncomfortable with such things because their efficacy is sometimes in doubt and I am never comfortable with measures that make poor countries poorer and that make poor people poorer because of the misdeeds of their government.

So my recommendations largely tend to focus on things like let's cut the military aid and watch the sales and put human rights and democratization on the table when dealing with questions like debt rescheduling, but I would be loath to go too much further because of the implications it might have for the Nigerian people.

Mr. PAYNE. Thank you very much. I think though that people who are disenfranchised in many instances if you are doing bad to do bad longer or to do a little worse sometimes as we saw in South Africa where people endorse sanctions even though it hurt the poor, but it brought down the apartheid government.

In Haiti, I am sure that Colcitras would not have gone to New York to negotiate with the Organization of American States and the U.N. had not been a serious thing, and we thought very carefully through the oil embargo, in Haiti everything depends on oil, hospital generators stop, electricity; and there was a lot of consultation with some of us in very high places before that drastic decision was made. But it looks as if it may turn out positively.

Mr. Copley, you are from Great Britain?

Mr. COPELEY. I am Australian, but my publishing company is in London.

Mr. PAYNE. Have you dealt with Zaire and Mr. Mobutu?

Mr. COPELEY. We have covered Zaire although I have not personally been there.

Mr. PAYNE. What is your opinion of the situation?

Mr. COPELEY. I think, I believe that clearly the situation in Zaire is well and truly out of control and we are not seeing any norms, political norms being applied there and I think that this is going to be an area of serious concern also for the United States.

My concern today was not that all is well in Nigeria or all is bad in Nigeria, but rather that Nigeria is such a vital part of Africa and a vital ally of the United States that we don't overlook that aspect of Nigeria while we express rightful concern and disappointment over the events of June 12.

I think that this country, Great Britain, the people of Nigeria and even the military government in Nigeria are all disappointed at the trend of events which led to the chaos of June 12 and subsequently.

Mr. PAYNE. Let me say in closing that probably one of the problems with the last couple of decades is that policy was driven because of, I guess, the so-called cold war. We have a situation in Somalia because our Government looked the other way when Siad Barrah bombed his own people in prison and tortured them, ran a totalitarian government, but because he was opposed to communism in the last decade, he was all right.

Private Doe took over power in Liberia where the United States had more aid to Liberia during the 10 years of Doe than ever before during the history of Liberia. Problems in Africa today I think are based on the fact that since 1948, we have been fighting communism and therefore any leader whether Mobutu or Barrah, as long as they were against communism, they were fine with us.

Now we are trying to undo those things and I can't justify because we have been friends before. We should look the other way and have a little more tolerance. Much of the problems on the continent of Africa and in Latin America and other places are based on the one purpose of the post-World War II era. Now we have to try to see if we can put some sanity in a foreign policy which was insane in some instances before.

Mr. COIPLEY. You are right that foreign policy of all the Western states and as well as the Eastern bloc were derived from the creation of power blocks. We are fortunate that today we don't have to follow that, but that does not mean that we totally disregard strategic relations. I think those include the fact that Nigeria is an ongoing customer for U.S. products, including wheat.

Nigeria is an important source of oil and we need to see the United States taking the leadership role of helping Nigeria and other countries move toward democracy on their own terms, as Chairman Johnson rightly pointed out, but to do that it cannot just adopt the process of criticism and particularly prospective criticism. It needs to be working through the whole process.

The British Government did more to assist and very skillfully and diplomatically assist the process of democratization in Nigeria, certainly not competed, but the United States must take this opportunity. If this transitional government comes into being, it may have to live with that as a fact which can't be diverted. If that occurs, the United States must seize the opportunity to take the time to help create a viable democracy.

The rest of the world is not going to just do as the United States says. The United States needs cooperation, guidance and assistance, not just the big stick. I think that we cannot afford to lose Nigeria in this process of criticism.

Mr. PAYNE. The only problem, and I am going to conclude, when Nigeria does this, when democratization is going around Eastern

Europe and other countries and Africa, then the step might be to say they wanted to have a multiparty that life President Babangida should not be life President forever and the same question in other countries where the question of democratization has taken place.

Nigeria sets the wrong tone because other countries would say Baneen is talking about it. Sierra Leone, we have situations throughout Africa. We just had a successful situation in Zambia and hopefully now there will be a resolution in Liberia and they can move to an election.

What is there to say? Charles Taylor says "Why should we have elections? Why should they go through it? Why should Baneen bother with it?"

I think that Nigeria as the leading country in Africa, the one with the most educated people, they should lead the way.

I yield back the balance of my time.

Mr. JOHNSTON. If you could just bear with me 5 more minutes, Mr. Copley.

How do you reply to the fact that Tofa, the opposition agreed to the results of the election?

Mr. COBLEY. I see that the National Republican Convention on June 15, 3 days after the election, wrote a letter, filed a complaint about the results of the election not agreeing with the results of the election and demanding that Mr. Tofa be regarded as the winner of that election because of fraud on the other side.

I have a copy of the National Republican Convention letter on this. To say that he accepted the results of the election is patently incorrect.

Mr. JOHNSTON. Maybe the party didn't because the party agreed to go back and have another election. I am saying the candidate himself agreed to the results of the election.

Mr. COBLEY. I also saw that he was quoted as saying that, but I also have a copy of the convention letter.

Mr. JOHNSTON. But the convention is not a candidate.

Mr. COBLEY. Correct.

Mr. JOHNSTON. Why do you feel that the interim government that comes alive the latter part of this month will mark an end to the Babangida era?

Mr. COBLEY. Because President Babangida will not be there. He will have retired.

Mr. JOHNSTON. We are about to conclude now and we have all been very civil.

Mr. COBLEY. Everybody said that it is Babangida himself claiming power. He has stepped aside with the latest agreement. It is a compromise which is not going to please everybody, but he has stepped aside. He told me he didn't want the job. He is happy to go. He did not wish to go under terms which would make him look bad in history, but he has to live with the fact that there has been a disruptive end to his period; but he is stepping aside.

There has been the argument that everything he has done is to perpetuate power. If that is the way by continually staging elections, that is the funniest way I have seen of clinging to power.

Mr. JOHNSTON. Do you accept the list of human rights violations that Ms. Burkhalter enumerated?

Mr. COBLEY. I believe there are human rights violations which occur not necessarily as orchestrated, but I have no evidence of them, but I am not prepared to disagree with her.

Mr. JOHNSTON. I know where Ms. Burkhalter is coming from. She has appeared before these committees often on human rights violations.

Dr. Joseph is with The Carter Center and I know where he is coming from, so please don't be offended by questions I have.

Your last statement is "He has told me repeatedly"—talking about President Babangida. What took you to Nigeria 3 weeks ago?

Mr. COBLEY. I am delighted you asked that question. In fact I have spent most of my life on airplanes going to countries around the world. I average three or four flights per week meeting with governments and looking at issues from a strategic perspective. I flew to Nigeria to look at the process of this transition because it was clear that there were huge problems with it and I couldn't get a clear picture of that from the media in U.K. where I was at the time nor could I get an accurate assessment over the telephone. So I flew there and asked to see the President again. I have known him since well before he was President, well before the military took over the government in 1983.

I spoke to him again about his position and what he wanted to do about the transition process.

Mr. JOHNSTON. The Defense and Foreign Affairs Strategic Policy, you are editor of that?

Mr. COBLEY. Yes.

Mr. JOHNSTON. Could you explain what that is, sir?

Mr. COBLEY. It is a publication which has been coming out for almost 21 years. We started with newsletters and magazines and books. It is a subscription publication going to more than 130 governments around the world, including the U.S. Government. We organize conferences and seminars around the world attended frequently by U.S. Government officials and the officials of most countries and a lot of Third World countries.

As a result of that work, I have spoken at length with U.S. officials at U.S. Government facilities as well.

Mr. JOHNSTON. Did the Nigerian Government pay for your transportation to come to this hearing?

Mr. COBLEY. They did not.

Mr. JOHNSTON. What precipitated you to come from London to appear at this hearing today?

Mr. COBLEY. My wife is American. We have a home here which we are trying to sell. I was here for that and as a result of being here, I was asked to come.

Mr. JOHNSTON. Good luck in selling your house.

Mr. COBLEY. Thank you very much.

Mr. JOHNSTON. I don't mean that in a pejorative term.

Mr. COBLEY. You are not commenting on the economy?

Mr. JOHNSTON. I am. Dr. Joseph.

Mr. JOSEPH. Two quick points. First, before I make my point, I want to thank you for your indulgence. One of the things that would encourage me to come back is you give us an opportunity to get to these issues and to stay with them as long as it would take, so I expect your hearings would go long hours.

The statement was made about holding elections or planning to hold elections, just postponing it. That is a strange way for a government to behave. When I realized what was happening in Nigeria, I called this a new kind of government, government by transition. It justifies its staying in power on the fact that it is working very, very hard to get out of power.

On that basis Babangida has been there for four unelected terms.

The second point is really to pick up a point Congressman Payne made. I have complained about our government's attitude toward democratization in Africa in the past and recently we have had Secretary of State Warren Christopher, National Security Advisor Tony Lake, Assistant Secretary Moose making strong categorical statements and then we see them following it with the kind of actions they took in this case in spite of our interest.

I believe that because the U.S. Government has made it plain that democratization is now going to be one of its highest priorities and given the importance of Nigeria in that effort, we should be here talking about all the wonderful things Nigeria has done rather than all the problems Nigeria has created.

For that reason, I think it is consistent with that policy direction that we continue. We have a lot of work to do. What happens in Nigeria is very, very important. Nigeria could have been leading the way. Instead Nigeria is just falling further backwards.

Mr. JOHNSTON. Ms. Burkhalter, would you like to make a closing statement?

How about you Mr. Copley? Would you like to make a brief closing statement and then we will end the hearing.

Mr. COBLEY. I would like to thank the committee very much for hearing the views. I know that there was considerable disappointment and anger and sentiment about what has been going on in Nigeria recently and I know that my coming here to, shall I say, play the devil's advocate and balance the discussion was not going to be popular.

I make no apologies for raising unpopular issues, but I think it is important for the United States and for Nigeria that we retain a sense of balance and I appreciate the fact that those points have been recognized.

Mr. JOHNSTON. I would like to ask the people in the audience to give all respect to the witnesses at the table as they go out.

The meeting is adjourned. Thank you for coming.

[Whereupon, at 5:50 p.m., the subcommittee was adjourned.]

APPENDIX

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-1082

STATEMENT OF
CONGRESSMAN WILLIAM J. JEFFERSON
OF LOUISIANA
BEFORE THE COMMITTEE ON AFRICA
AUGUST 4, 1993

Thank you Mr. Chairman. I appreciate the opportunity to appear before the Foreign Affairs Committee to discuss the current situation in Nigeria. I commend you and the other members of this important committee for holding this timely hearing.

On June 12, 1993, the people of Nigeria elected M.K.O. Abiola as Nigeria's new President-Elect. Mr. Abiola was the leader of a democracy movement that was taking place in Nigeria that was comparable to the recent celebrated democratization movements in Poland, Germany, and Russia. On June 12, Nigeria was well on its way of becoming a member of the community of democratic nations.

But, Mr. Chairman, the military dictator, General Ibrahim Babangida, annulled the election of Mr. Abiola on untenable grounds. Although this election was judged fair and free by international observed nations including Great Britain, General Babangida acted against the wishes of the 14 million people that voted in the June 12th election. The democratization of Nigeria now has been halted by the actions of General Babangida.

Recent demonstrations against the actions of General Babangida touched off two days of rioting that left more than 100 people dead. Only yesterday, I learned that Mr. Abiola's life has been threatened, and within the past twelve (12) hours our State Department has issued an emergency visa that will allow Mr. Abiola to leave Nigeria and travel for his personal safety to the United States.

President-elect Abiola is expected to arrive in Washington tomorrow, and I hope that you will listen to his eyewitness account of the current situation in Nigeria.

Unless General Babangida gives up his power, I fear that more blood may be shed in Nigeria.

Mr. Chairman and members of this committee I know Mr. Abiola. I've known him for many years. Mr. Abiola is a principled and courageous man who is risking his life to lead the people of Nigeria to democratic rule. He is well educated and thoroughly modern in his thinking about American democracy and its capacity to help to change the world, particularly his own country, for good. Having been born in a dirt floored hut and being the only surviving child of 24 siblings, and now, reaching great prominence, he remains uncommonly humble.

Mr. Abiola issued a moving statement last month. I would like to read one paragraph from his statement in which he said:

"I am by the infinite grace of God, and the wishes of the people of this country, the President-Elect of the Federal Republic of Nigeria. I am the custodian of a sacred mandate, freely given, which I cannot surrender unless the people so demand, and it is by virtue of this mandate that I say that the decision of the Federal Military Government to cancel the election of June 12, 1993, is invidious, unpatriotic and capable of causing undue and unnecessary confusion in the country."

I would hope that this committee would take a strong stand in support of the August 27th date as the date that Mr. Abiola is to assume office and the date of significant consequences for the relationship between Nigeria and the United States. The nearly 100 million people of Nigeria who make up nearly a quarter of the population of Africa deserve democracy.

Unless Mr. Abiola is allowed to take office, it may be necessary for our country to take severe action against General Babangida including withdrawals of pending debt relief, cancellation of cooperative agreements, freezing of official bank accounts, denial of entry to the U.S. by certain Nigerian officials, refusing to honor letters of credit or to allow export guarantees, and a reduction in diplomatic relations, among other possible actions.

Boris Yeltsin became a symbol of democracy around the world when he stood atop the tanks of the Soviet military to demand an end to military backed political rule. Mr. Abiola is showing the same courage and heroism that Mr. Yeltsin showed, except it is being done in relative obscurity out of sight of CNN cameras and therefore out of mind of most of the people in the west, indeed of the world. This subcommittee must express its support for the heroic struggle of Mr. Abiola to democratize Nigeria by recognizing him and his efforts as such and thereby elevating both to a position of international prominence.

Mr. Chairman, just as our nation rallied to Yeltsin and his countrymen as they faced down tanks, let us now give our national commitment to Mr. Abiola and the people of Nigeria as they confront the guns of military rule and seek to take the reins of their government.

Again, thank you Mr. Chairman for allowing me to give a statement on this important matter.

NEWS NEWS

CONGRESSMAN WILLIAM J. "JEFF" JEFFERSON
428 CANNON HOUSE OFFICE BUILDING • WASHINGTON, D.C. 20515
202/225-6636

FOR IMMEDIATE RELEASE

August 4, 1993

JEFFERSON: U.S. SHOULD RECOGNIZE ABIOLA AS PRESIDENT OF NIGERIA

WASHINGTON, D.C. -- U.S. Representative William J. Jefferson, D-LA, Wednesday called for strong American sanctions against the military dictator of Nigeria, if the country's President-elect M.K.O. Abiola is prevented from taking office later this month.

"Unless Mr. Abiola is allowed to take office, it may be necessary for our country to take severe action against General Babangida," Jefferson told a special hearing of the House Foreign Affairs Subcommittee on Africa.

Abiola's life has been threatened and Nigeria's political climate is so volatile that the U.S. State Department within the last twelve (12) hours had granted the Nigerian president-elect an emergency visa to allow him to travel to the United States, Jefferson said.

Jefferson suggested a number of sanctions against Nigeria as a result of General Ibrahim Babangida's annulment of Abiola's June 12th election as president. The sanctions include: withdrawal of pending debt relief, cancellation of cooperative agreements, freezing of official bank accounts, denial of visas to certain Nigerian officials, reduction of diplomatic relations and refusing to honor letters of credit or export guarantees.

"Mr. Abiola is a principled and courageous man who is risking his life to lead the people of Nigeria to democratic rule. He is well educated and thoroughly modern in his thinking about American democracy and its capacity to help change the world, particularly his own country for good, Jefferson said.

"Boris Yeltsin became a symbol of democracy around the world when he stood atop the tanks of the Soviet military to stop a military coup. President Abiola is showing same courage and heroism that Mr. Yeltsin showed, except it is being done in relative obscurity out of sight of CNN cameras and, therefore out of the mind of most people in the west, indeed people throughout the world.

"Just as our nation rallied to Yeltsin and his countrymen as they faced down tanks, let us now give our national commitment to President-elect Abiola and the people of Nigeria as they confront the guns of military rule and seek to take the reins of their government," the New Orleans congressman concluded.

TESTIMONY
OF
ASSISTANT SECRETARY OF STATE
GEORGE E. MOOSE
BEFORE
THE AFRICA SUBCOMMITTEE
OF
THE HOUSE FOREIGN AFFAIRS COMMITTEE
ON NIGERIA'S POLITICAL CRISIS

AUGUST 4, 1993

Introduction

Mr. Chairman, members of the subcommittee, thank you for the opportunity to appear before you today to describe U.S. policy toward Nigeria in the wake of the military regime's recent anti-democratic actions. As you know, Nigeria has long been hailed as Africa's pre-eminent nation. In political, economic and military terms, its influence is felt throughout Africa. Consequently, when Nigeria is in turmoil, the rest of Africa and the entire world watches with great interest. It is essential therefore to understand what is happening in Nigeria today if we are to comprehend where Nigeria's place in the world will be tomorrow.

A Recent History of Democratization

Since General Ibrahim Badamasi Babangida came to power in a 1985 military coup, his regime has repeatedly promised to restore elected civilian government. Unable to resist the tide of democracy in Africa, the regime eventually held elections for state and local officials and national legislators in 1991 and 1992. After several delays, voters went to the polls on June 12, 1993, to elect a President. State-by-state returns

showed that the Social Democratic Party's candidate obtained significant support in all regions of the country and a clear majority of the votes cast nationwide. The National Republican Convention, the other legal political party, seemed ready to accept the results, and impartial election observers judged the election generally free and fair. In essence, the elections seemed to herald the return to democratic politics so long promised by the Nigerian military.

Yet on June 23, Nigeria's military arbitrarily annulled the June 12th election. General Babangida claimed that his action was somehow in the best interest of the nation. He decreed to the political parties that another election must be held. Otherwise, he would abolish Nigeria's democratic institutions, dismiss elected officials and appoint an interim government. He said further that neither the Social Democratic candidate, nor his National Republican Convention opponent in the June 12 contest, would be permitted to run in the new election.

The Social Democratic Party immediately opposed the plan and called for release of the June 12 results. Violence broke out in some areas of the country. With each passing day, more leaders of Nigerian civil society voiced support for validating the June 12 results. The two legal parties eventually offered a compromise proposal of an interim government, stipulating that elected institutions remain in place. However, on July 12, General Babangida rejected the parties' offer, demanding that a new election be held on August 14. He threatened that if the

parties did not participate, the transition to civilian rule might not occur on August 27 as promised.

US Response

The United States swiftly demonstrated its disapproval of the regime's anti-democratic behavior. Within a day of the June 23 annulment, a meeting was held with Nigeria's Ambassador, during which he was informed of steps the United States would take in response. After General Babangida rejected the parties' offer to participate in an interim government, and the regime cracked down on those who spoke out, the United States amended its response with additional measures. A number of other countries subsequently issued statements of condemnation with some taking their own punitive steps.

Among the actions the US has taken to date are:

- Suspending aid under the Foreign Assistance Act, except for humanitarian assistance, aid for democratization and social sector programming, and for assistance provided through NGOs;
- Sharply reducing the level of military-to-military relations, including withdrawing our Security Assistance Officer from Lagos, postponing the travel plans of our new Defense Attaché, asking the Nigerian Defense Attaché to leave the United States, and suspending the International Military Education and Training Program (IMET) with Nigeria;

- Reviewing all new applications for commercial exports of defense articles and services to Nigeria, with a presumption of denial; and
- Requiring all requests for diplomatic visas for Nigerian officials to be referred to the Department of State.

The Administration wanted to ensure that its actions were directed at those most responsible for Nigeria's current political impasse -- the Nigerian military. Our actions have been carefully targetted to strike at the influential officer corps, while not affecting average citizens. Meanwhile, our Embassy continues to maintain regular and open communications with civilian politicians and leading human rights advocates.

An Environment Hostile to Democracy

We are very concerned by the regime's pattern of violating basic human rights. These repressive actions create a climate hostile to democracy by undermining the very institutions that are the foundation of democratic civil society. The regime has hit Nigeria's traditionally outspoken independent press particularly hard. Newspapers and magazines were being seized almost every other day, until the regime decided to shut down six media companies entirely.

Human rights activists Beko Ransome-Kuti, Femi Falana and Gani Fawahinmi have been detained under authority of a sweeping military decree that permits the regime to imprison someone incommunicado for up to six weeks. The United States has made its deep concerns about Nigeria's deplorable human rights record known to the regime. Unfortunately, the regime has not been forthcoming. We will continue to press on this front.

Future United States Policy

The current political crisis -- visited on Nigeria by those self-styled guardians of national unity, the military -- poses the greatest risk to Nigerian national integrity since the 1967-70 civil war. It is clear the military must leave power if that risk is to be diminished. If the military understands its interests will suffer if it tries to retain power, it may be possible to strengthen those in Nigeria seeking to persuade the military leadership to turn power over to duly-elected civilians.

We are hopeful, but not blindly optimistic, that Nigerians will find a way to resolve their differences and usher in the democratic government the regime had promised would result from the June 12 election. But it will be difficult. The cynicism, fear and uncertainty of the present military regime have engendered will not easily be dispelled. Many citizens believe that any electoral process would be just another attempt to buy

time and soothe international opinion. Far from healing Nigeria's wounds, it would almost certainly widen and deepen them. Neither is there much real enthusiasm for an interim government, which many Nigerians fear would be nothing more than a stalking horse for continued military rule.

The political parties' decision to agree in principle to an interim national government may reflect their desire to avoid the divisive contest the regime was intent upon visiting upon Nigeria. However, even the broad outlines of this proposed interim government are unclear, and the degree to which it might be acceptable to the majority of the Nigerian people cannot, therefore, be estimated at this time. What is clear is that the regime's so-called "managed transition" to democracy is dead, the victim of a military clique unwilling, in the final analysis, to let the people exercise their sovereignty.

We are aware, as are Nigerians, of the urgent need for the greater governmental transparency that civilian rule eventually can bring. We are also cognizant of Nigeria's role as a model to many other aspiring peoples struggling to reach the ideal of democracy in their own nation. If Nigeria's military regime is able to perpetuate itself in spite of popular disaffection, the prospects for peaceful transfers of power to elected civilians in many of those other countries in the region and across the continent would rapidly dim.

We will continue, therefore, to stress the overriding importance of the military leaving power to those elected by a free and fair democratic process. We have put the Nigerian regime on notice that, should a civilian government not be in place in Nigeria on August 27, the United States may be obliged to take additional steps. Nigeria's military regime must understand that any attempt to hold political power after August 27, 1993 -- no matter how it might be rationalized -- would raise fundamental questions about the future character of our bilateral relations.

The Administration is watching developments in Nigeria very closely and is daily examining its options to respond to further abuses of human rights and other anti-democratic actions. Public statements by friends of Africa, such as each of you, would help convince the military regime that there is no room to maneuver on these issues. The strong signals coming from Congress have already been very helpful and greatly appreciated.

Thank you once again for this opportunity and I look forward to answering any questions.

STATEMENT OF
JAMES L. WOODSDEPUTY ASSISTANT SECRETARY OF DEFENSE FOR AFRICAN AFFAIRS
BEFORE THE
SUBCOMMITTEE ON AFRICA
HOUSE COMMITTEE ON FOREIGN AFFAIRS
AUGUST 4, 1993

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I APPRECIATE THIS OPPORTUNITY TO ADDRESS THE SITUATION IN NIGERIA. SINCE THIS IS AN OPEN HEARING, I MUST RESPOND IN GENERAL TERMS TO SOME OF THE QUESTIONS CONTAINED IN YOUR INVITATION TO TESTIFY. MORE DETAILED ANSWERS TO THOSE QUESTIONS WILL BE PROVIDED IN A CLASSIFIED SUPPLEMENT TO MY TESTIMONY.

I WILL TAKE YOUR QUESTIONS IN ORDER: FIRST, YOU ASKED THAT I ASSESS THE ATTITUDE OF THE NIGERIAN MILITARY ESTABLISHMENT TOWARD THE TRANSITION TO DEMOCRACY AND DISCUSS HOW U.S. POLICY HAS SO FAR AFFECTED THIS TRANSITION.

LET ME BEGIN BY NOTING THAT THE NIGERIAN MILITARY IS NOT A MONOLITHIC ENTITY. ETHNIC, RELIGIOUS, GEOGRAPHIC AND GENERATIONAL FACTORS IMPACT ON THE THINKING OF ALL MEMBERS OF THE MILITARY MUCH AS THEY DO ON OTHER SEGMENTS OF NIGERIAN SOCIETY; THEREFORE WE SHOULD BE CAUTIOUS IN MAKING OR

ACCEPTING BROAD GENERALIZATIONS. THERE ARE SOME FACTUAL ASPECTS WHICH MAY HELP US AS WE THINK ABOUT THIS SITUATION.

- FIRST, I THINK I CAN SAFELY SAY THAT ONLY A SMALL PERCENTAGE OF THE NIGERIAN MILITARY DERIVES ANY DIRECT BENEFITS FROM THE CURRENT MILITARY CONTROL OF THE GOVERNMENT. THE LIVES OF THE LARGE MAJORITY OF ENLISTED, JUNIOR AND MID-LEVEL OFFICERS WOULD NOT SUFFER ANY SERIOUS ADVERSE AFFECTS FROM A TRANSITION TO A CIVILIAN RUN GOVERNMENT, SO THERE IS LITTLE REASON TO BELIEVE THERE IS GENERAL MILITARY OPPOSITION TO SUCH A TRANSITION.

- SECOND, WE NEED TO KEEP IN MIND THE CRITICALLY IMPORTANT DISTINCTION BETWEEN THE NIGERIAN MILITARY AS A PROFESSIONAL INSTITUTION AND THE NIGERIAN RULING ELITE, WHO USED THE MILITARY AS A SPRINGBOARD TO POWER AND HAVE SINCE SOMEWHAT DISTANCED THEMSELVES FROM THEIR PROFESSION. THERE IS LITTLE REASON TO THINK THAT THE MILITARY ESTABLISHMENT, WHICH IS PROUD OF ITS GROWING PROFESSIONALISM, GIVES BROAD OR ENTHUSIASTIC SUPPORT TO THE CURRENT POWER ELITE SIMPLY BECAUSE THEY WEAR A UNIFORM.

I WILL NOT ADDRESS THE SECOND PART OF YOUR QUESTION, CONCERNING THE EFFECTS OF U.S. POLICY ON THE TRANSITION TO DEMOCRACY, AS I FEEL THAT IS MORE APPROPRIATELY TO BE ANSWERED BY ASSISTANT SECRETARY MOOSE.

SECOND, YOU ASKED THAT I DESCRIBE THE SIZE OF THE NIGERIAN MILITARY ESTABLISHMENT, HOW IT HAS EVOLVED IN RECENT YEARS AND WHAT PERCENTAGE OF THE GOVERNMENT BUDGET IS SPENT ON THE MILITARY?

THE OVERALL FORCE LEVEL HAS DROPPED VERY SIGNIFICANTLY SINCE THE 1970S, FROM AROUND 250,000 IMMEDIATELY FOLLOWING THE BIAFRAN WAR, TO AROUND 100,000 IN THE MID 1980S AND TODAY TO SOMEWHERE BETWEEN 60 AND 75,000. WE EXPECT IT TO STABILIZE AT AROUND THIS LEVEL. EVEN SO, THIS IS ONE OF THE LARGEST STANDING MILITARY FORCES IN SUB-SAHARAN AFRICA. AS FOR THE BUDGET, OPEN SOURCES ESTIMATE DEFENSE EXPENDITURES FOR 1992 AT USD \$255M, WHICH IS ROUGHLY 4% OF THE NIGERIAN GOVERNMENT'S REPORTED BUDGET. I WOULD NOT COUNT HEAVILY ON THE ACCURACY OF THOSE FIGURES, HOWEVER, AS THERE ARE SUBSTANTIAL MILITARY EXPENDITURES OFFLINE.

THIRD, IS THERE HOSTILITY [WITHIN THE MILITARY] TOWARD CHIEF ABIOLA AND/OR THE SOCIAL DEMOCRATIC PARTY?

MR. ABIOLA IS NO DOUBT EYED SUSPICIOUSLY BY THE RULING MILITARY ELITE SIMPLY BECAUSE HE IS A SOUTHERNER AND THE TOP ECHELONS OF THE MILITARY ARE DOMINATED BY NORTHERNERS. ABIOLA HIMSELF PROBABLY FURTHER HEIGHTENED THEIR ANXIETY WHEN HE PROCLAIMED PUBLICLY THAT HE WOULD RE-EVALUATE THE MILITARY'S ROLE IN INTERNATIONAL PEACEKEEPING MISSIONS. THIS WAS NO DOUBT PERCEIVED AS A PUBLIC QUESTIONING OF THE

NIGERIAN LEADERSHIP'S JUDGEMENT IN GENERAL AND A POSSIBLE OPENING FOR FURTHER INVESTIGATIONS INTO THEIR OTHER ACTIVITIES, LEGAL AND ILLEGAL. THE MILITARY ELITE WOULD NOT SEE IT IN ITS INTERESTS TO TURN OVER POWER TO AN INDIVIDUAL WHO MIGHT THEN ARREST AND COURT MARTIAL THEM. AS FOR THE REST OF THE MILITARY, PRESS REPORTS AFTER THE ELECTIONS INDICATED THAT THE MAJORITY OF JUNIOR OFFICERS VOTED FOR ABIOLA. WITH REGARD TO THE SOCIAL DEMOCRATIC PARTY ITSELF, IT IS A RECENT ARTIFICIAL CREATION OF THE RULING MILITARY ELITE; WHILE THERE IS NO EVIDENCE THAT THERE IS ANY OPEN OPPOSITION WITHIN MILITARY RANKS TO THE SDP AS A POLITICAL INSTITUTION, SOME IN THE MILITARY PRESUMABLY DISAGREE WITH ITS POLITICS. WE DOUBT THAT THIS WOULD IN ITSELF LEAD TO ANY SIGNIFICANT ACTIVE OPPOSITION.

FOURTH, WHAT IS THE POTENTIAL IMPACT OF AN ABORTED TRANSITION TO CIVILIAN RULE ON NIGERIA'S MILITARY ROLE IN WEST AFRICA?

IF AN ABORTED TRANSITION TO CIVILIAN RULE CAUSES SEVERE INTERNAL TURMOIL, AS IT VERY WELL COULD, REQUIRING THE IMPOSITION OF MARTIAL LAW IN SUBSTANTIAL PARTS OF THE COUNTRY, NIGERIAN TROOPS MIGHT BE RECALLED FROM THEIR VARIOUS FOREIGN DEPLOYMENTS. IN WEST AFRICA, THOSE DEPLOYMENTS ARE (1) SOME 9,000 TROOPS CONSTITUTING THE MAIN FORCES OF ECOMOG IN LIBERIA, (2) SEVERAL HUNDRED TROOPS IN SIERRA LEONE, PROVIDING SECURITY TO THE GOVERNMENT AT THE CAPITAL AND AT

THE LUNGI AIRFIELD; AND (3) A SMALL CONTINGENT IN THE GAMBIA, PROVIDING ADVISORY SERVICES -- BUT NOTE THAT A NIGERIAN GENERAL IS ALSO THE PRESENT COMMANDING OF THE GAMBIAN DEFENSE FORCES. AT THE VERY LEAST, A NIGERIAN MILITARY PREOCCUPIED BY WIDESPREAD INTERNAL UNREST, OR DIVIDED BY CIVIL WAR, WOULD BE UNABLE TO PROVIDE LOGISTICS SUPPORT TO ITS DEPLOYED FORCES. ABANDONED AND LEFT TO FEND FOR THEMSELVES, THEY WOULD NO LONGER BE AN EFFECTIVE OR RESPONSIBLE TOOL OF NIGERIAN FOREIGN POLICY. AT MOST, ALL OF THESE ELEMENTS COULD BE BROUGHT HOME, CAUSING SEVERE PROBLEMS IN LIBERIA AND MORE MANAGEABLE PROBLEMS FOR SIERRA LEONE AND THE GAMBIA.

FIFTH, ASSESS THE EFFECTIVENESS OF THE NIGERIAN MILITARY WITHIN THE ECOMOG PEACEKEEPING OPERATION IN LIBERIA. WHAT SHOULD DETERMINE U.S. POLICY TOWARD ECOMOG AND WHAT SHOULD THIS POLICY BE?

THE NIGERIAN CONTRIBUTION HAS BEEN ABSOLUTELY CRITICAL TO THE SUCCESS OF ECOMOG. NIGERIA'S MANPOWER AND LOGISTICS CONTRIBUTIONS ARE CRITICAL TO THE OPERATIONAL CAPABILITY OF THE ENTIRE REGIONAL FORCE. TO ITS CREDIT, ECOMOG HAS SUCCESSFULLY DEFENDED MONROVIA AND ITS ENVIRONS FROM CHARLES TAYLOR'S REBEL FORCES, THEREBY PRESERVING FOR LIBERIANS A CHANCE TO ELECT THE MAN WHO SITS IN MONROVIA'S EXECUTIVE MANSION. ITS PRESENCE HAS ALSO PREVENTED LIBERIANS FROM ENGAGING IN A FURTHER ORGY OF ETHNIC CLEANSING. ADDITIONALLY, ITS RECENT MILITARY SUCCESSES COMBINED WITH ITS

ENFORCEMENT OF AN EMBARGO AGAINST TAYLOR NO DOUBT CONTRIBUTED TO UN SPECIAL REPRESENTATIVE GORDON-SOMERS' ABILITY TO BRING ALL WARRING PARTIES TO THE NEGOTIATING TABLE. AS YOU KNOW, THOSE NEGOTIATIONS HAVE NOW LED TO SIGNATURE OF A PEACE AGREEMENT WHICH WENT INTO EFFECT THIS PAST SUNDAY AT MIDNIGHT.

OF COURSE ECOMOG'S OPERATIONS IN LIBERIA HAVE NOT BEEN FLAWLESS FROM EITHER A MILITARY OR POLITICAL PERSPECTIVE BUT THE NIGERIANS HAVE DEMONSTRATED CAPABILITIES THAT FEW OTHER SUB-SAHARAN AFRICAN MILITARIES (WITH THE EXCEPTION OF SOUTH AFRICA) HAVE AND NONE HAS EVER BEEN REQUIRED TO DEMONSTRATE: NAMELY, THE ABILITY TO DEPLOY AND LOGISTICALLY SUPPORT A DIVISION EQUIVALENT. ADDITIONALLY, NIGERIA'S ABILITY TO PLAN AND CONDUCT COORDINATED AIR, LAND AND SEA OPERATIONS AND TO CONDUCT A RELATIVELY EFFECTIVE COUNTERINSURGENCY CAMPAIGN HAS ALSO BEEN IMPRESSIVE. THE BOTTOM LINE IS THAT THE NIGERIAN INVESTMENT IN BRITISH AND AMERICAN TRAINING AND PROFESSIONALIZATION PROGRAMS HAS PAID OFF. IF WE WANT TO ENGAGE IN PKO OPERATIONS USING AFRICAN TROOPS WE SHOULD KEEP NIGERIA'S POTENTIAL CONTRIBUTIONS VERY MUCH IN MIND.

ASSISTANT SECRETARY MOOSE IS IN A MORE APPROPRIATE POSITION TO ADDRESS PART TWO OF YOUR QUESTION WHICH DEALS WITH U.S. POLICY TOWARD ECOMOG AND ITS DETERMINANTS. IN PREVIOUS TESTIMONY ON PKO ISSUES IN GENERAL, I HAVE STATED THAT IT IS IN OUR INTEREST TO SUPPORT REGIONAL PEACEKEEPING

OPERATIONS SUCH AS ECOMOG AND THAT WE ARE ALREADY DOING THIS TO THE EXTENT THAT OUR EXTREMELY LIMITED RESOURCES ALLOW. WE DO NOT HAVE A PRESIDENTIAL DETERMINATION THAT WOULD ALLOW US TO PROVIDE MILITARY AID DIRECTLY TO ECOWAS OR ECOMOG, BUT WE HAVE GIVEN LIMITED MILITARY ASSISTANCE DIRECTLY TO ALL THE COUNTRIES CONTRIBUTING TROOPS TO ECOMOG EXCEPT NIGERIA. THAT INCLUDES 500K IN FMF EACH FOR GHANA, GUINEA AND SIERRA LEONE AND 250K FOR THE GAMBIA. WE ALSO PROVIDED ECOWAS WITH 8.6M IN ESF WHICH WAS USED TO COVER INCIDENTAL EXPENSES INCLUDING THE COSTS OF SHIPPING 150 KOREAN JEEPS WHICH SAMUEL DOE HAD PURCHASED FROM DAKAR TO MONROVIA FOR ECOMOG'S USE. WE ARE NOW BEING ASKED TO PROVIDE SUPPORT FOR THE PEACE AGREEMENT THAT THE UN HAS HELPED TO BROKER. I WOULD SUPPORT THIS IN PRINCIPLE, BUT IN PRACTICE FINDING THE NECESSARY RESOURCES WILL PRESENT A MAJOR PROBLEM.

SIXTH, DISCUSS ETHNIC AND REGIONAL ISSUES WITHIN THE NIGERIAN MILITARY.

I ADDRESSED THIS IN MY ANSWER TO YOUR FIRST QUESTION. ETHNIC AND REGIONAL DIFFERENCES DO EXIST. HOWEVER THE NIGERIANS HAVE ALSO DEVELOPED A PROFESSIONAL MILITARY CULTURE WHICH IMPACTS ON ITS SOLDIERS' THINKING. THE NIGERIAN MILITARY HAS AN INSTITUTIONAL COHESION THAT IS RARE AMONG AFRICAN MILITARIES AND THAT SETS IT APART FROM CIVILIAN SOCIETY. FOR THIS REASON, DEVELOPMENTS EXTERNAL TO THE MILITARY MAY BE LESS LIKELY TO CAUSE IT TO FRACTURE ALONG

ETHNIC OR REGIONAL LINES. WITHIN THE MILITARY, REGIONAL AND ETHNIC DIFFERENCES DO STRONGLY INFLUENCE INSTITUTIONAL POLITICS AND THE DISTRIBUTION OF POWER, PARTLY BY SERVING AS THE DEFINING ELEMENTS OF NUMEROUS "OLD BOY NETWORKS".

THE SEVENTH [AND FINAL] QUESTION DEALS WITH THE NIGERIAN MILITARY AND INTERNATIONAL DRUG OPERATIONS AND OTHER ILLEGAL ACTIVITIES.

THERE HAVE BEEN NUMEROUS PRESS ALLEGATIONS SUGGESTING THAT INDIVIDUAL NIGERIAN MILITARY PERSONNEL ARE ACTIVELY INVOLVED IN DRUG TRAFFICKING. THERE HAVE BEEN PERIODIC REPORTS THAT SENIOR OFFICERS ARE INVOLVED, AND EVEN ACCUSATIONS IN THE TABLOID PRESS THAT PRESIDENT BABANGIDA'S WIFE IS IMPLICATED IN SOME WAY. HOWEVER, NO FIRM EVIDENCE HAS EVER BEEN PRESENTED TO CONFIRM THESE REPORTS AND RUMORS. NO SENIOR MILITARY FIGURE HAS BEEN INDICTED OR EVEN ARRESTED ON DRUG CHARGES. THERE IS ALSO NO INDICATION THAT THE NIGERIAN GOVERNMENT OR MILITARY ENGAGE IN DRUG TRAFFICKING AS A MATTER OF POLICY. HOWEVER, THERE IS ENOUGH CIRCUMSTANTIAL EVIDENCE THAT SOME SENIOR MILITARY LEADERS MAY BE INVOLVED IN NARCOTICS TRAFFICKING TO QUESTION WHETHER THEY MIGHT BE CONSCIOUSLY BLOCKING CONTERNARCOTICS ACTIVITIES. I CAN'T GO BEYOND THIS COMMENT IN AN OPEN HEARING.

MR. CHAIRMAN, TO CONCLUDE, THE NIGERIAN MILITARY IS A VERY COMPLEX INSTITUTION WHICH FOR BETTER OR WORSE PLAYS A

SIGNIFICANT ROLE IN NIGERIAN POLITICS AND SOCIETY. ITS COMPLEXITY SUGGESTS THAT OUR POLICIES TOWARD IT BE DISCRIMINATING IN ORDER TO BE EFFECTIVE. AS WE CONTEMPLATE HOW THE U.S. SHOULD RESPOND TO A PROLONGATION OF MILITARY RULE, WE SHOULD TAKE CARE NOT TO ALIENATE THE ENTIRE OFFICER CORPS, WHOSE SUPPORT WILL BE NECESSARY IF DEMOCRATIZATION IS TO SUCCEED IN NIGERIA. IF WE ARE TO EFFECTIVELY INFLUENCE THE POLICIES OF THE REPRESSIVE MILITARY ELITE NOW IN POWER, WE MUST FIND AND FOCUS ON ITS POLITICAL CENTER OF GRAVITY -- TO USE A CLAUSEWITZIAN PHRASE. IN NIGERIA'S CASE, THAT CENTER OF GRAVITY IS AT THE VERY TOP. WHILE THERE ARE PRACTICAL PROBLEMS WITH IMPLEMENTING SUCH A POLICY, WE MUST ENDEAVOR TO RESOLVE THEM, WHILE AVOIDING THE TEMPTATION OF TARGETTING THE ENTIRE MILITARY ESTABLISHMENT.

Testimony of Dr. Richard Joseph, Professor of
Political Science of Emory University and
Fellow for African Governance of The Carter Center
on
"Nigeria: The Way Forward"
before
The SubCommittee on Africa
The House Committee on Foreign Affairs

4 August 1993

Mr. Chairman and Members of the SubCommittee, I am honored once again to be invited to testify before you. Recent events in Nigeria are extremely distressing to me. I had the great privilege to be a Lecturer in Political Science at the University of Ibadan, Nigeria's premier university, from February 1976 to September 1979. I have also regularly visited Nigeria doing the past decade. I count as close friends and colleagues numerous Nigerians and there are many Nigerians now teaching in various universities in that country who are my former students. My research in Nigeria also enabled me to meet many distinguished political and civic leaders from every region of the country.

There is no longer any doubt about what has taken place in Nigeria since August 27, 1985 when Ibrahim Badamosi Babangida took power from the then military head of state, Muhammadu Buhari. The country has been taken on a long, tortuous, ultimately destructive ride. I gave up following these events minutely four years ago when several political groups that aspired to be registered as political parties to compete for power in the Third Republic were summarily dissolved by the government. It accused them of all manner of failings. In their place, the government decided to set up its own two political parties, appoint their administrators, build their offices and have the National Electoral Commission write their manifestos.

Anyone familiar with the immense political creativity, acumen and sophistication of Nigerians would have seen in that action a callous assault on the very essence of a people. All that has followed since then, such as the banning and unbanning of candidates, the making and unmaking of decrees, the endless changes in election and handover dates are all part of a logic of "Organized Confusion", to use the expression of a former agent of that policy, Mr. Abimbola Davis of the so-called Association for Better Nigeria.

I will not use the limited time available to me to rehearse the various episodes in what is one of the most sustained exercises in political chicanery ever visited on a people. What makes it particularly odious is the fact that much of it was done in the name of creating a stable democracy, respecting human rights and serving the national interest. As you are aware, in Nigeria today several newspapers have been closed, leading human rights activists have been detained, well over a hundred persons have been killed in demonstrations, the judiciary has been further manipulated and debased, elected national legislators have been left in limbo and military officers are forced to choose between loyalty to one man and his circle and their oath to defend the integrity of the nation.

What must now be done? We should all be proud, as Americans, of the firm and principled position our government has taken the moment it appeared that the Babangida regime was fomenting judicial confusion to create a pretext to avoid, or void, the June 12 presidential elections. The strong condemnation of these actions, and the insistence that the Nigerian government must honor its pledge to yield power to the democratically elected representatives of the people, is the kind of action that many of us have urged on the U.S. government, with respect to other African autocracies, for many years.

The first recommendation I will make is that there is no turning back. Diplomatic and financial pressures must be kept up on the Nigerian government until it completes the handover of power. As I write, I am unsure which is the latest plan of the government, so much has it changed during the past six weeks. A proposed second presidential election on August 14 is an absurdity. Not only did international observers certify the June 12 election as orderly, peaceful and conducted in a fair manner, Nigerian colleagues for whom I have the highest regard have described that election as the best ever conducted in the nation. If another presidential election is held, the Babangida government would in effect create a legal and political conundrum for their country as no president emerging from such a vote would be regarded as legitimate by the international community. Moreover, a substantial number of Nigerians are likely to boycott the polls and violence may well ensue. Babangida's legacy to the nation would therefore be the election of two presidents: M.K.O. Abiola, the legitimacy of whose election on June 12 has not been diminished by the contradictory pronouncements and charges issued subsequently by the government; and some Mr. X whose existence will only demonstrate what President Babangida has always known, namely, that he can always find a countryman or woman willing to do his bidding for the right price or position.

Assuming the option of an interim government is created to which Babangida hands over power, the acceptability of such an action is dependent on the leadership of both political parties, and especially the Social Democratic Party of Moshood Abiola which has already won the presidency outright. For several years, Nigerians of all professions, occupations, regions, religions, and ethnic groups have bonded around a common objective: Do whatever is necessary to get the Babangida regime to hand over power. There are three main reasons why Nigerians, an energetic people, have settled for such untypical acquiescence. The first is that the regime has been remarkably clever in using the arguments of democracy to postpone and prevent democracy. The second is that the regime has the monopoly of organized violence and is always ready to back up its arguments with deadly force. The third is the memory of the 1967-70 Biafran war which consumed

a million lives and is a constant reminder that however bad things may appear at any moment, there is always a worse scenario: civil war.

It would therefore be understandable if respected Nigerian political leaders accept to form an interim government to permit Babangida to take his leave. If that happens, however, it must be on the basis of a complete exit. The military has undergone a systematic restructuring and reconfiguration that has included placing Army headquarters in Minna, the hometown of General Babangida. The intelligence and security services have had a field day for almost a decade and there are several matters that still need clarification, not least of which is the killing of journalist Dele Giwa in 1986, a defining moment in modern Nigerian history. The volume of criticism that has risen about the levels of corruption in Nigeria under this military regime has been greeted by a resounding silence from those in power.

When Babangida hands over - whether to Moshood Abiola or an interim national government - it must be a complete leavetaking, similar to the one by General Olusegun Obasanjo on October 1, 1979 when he welcomed to office Alhaji Shehu Shagari. Documents available from the Association for a Better Nigeria, whether its own Memo 19 of 9 July 1993 or the text of Mr. Abimbola's press conference of July 16, clearly indicate, in the language of the boxing world, that "the fix is still in". The fundamental contest in Nigeria today is no different from what we see in other African dictatorships and autocracies, i.e. between, on the one hand, a ruler and his small clique within the military, security, political and business establishment and the nation-at-large, on the other. The international community must be prepared to assist the Nigerian people to regain their sovereignty from a ruling group that has usurped it and still holds them at ransom. We must not allow ourselves to become so impatient for a solution that we encourage the making of an unworkable or unprincipled compromise. It took a decade of military rule to get Nigeria into the mess it is in and it will take more than a few weeks to get it back on the tracks of political legitimacy, dignity and stability.

III

I mentioned earlier that President Babangida can always find a Nigerian willing to do his bidding. No one would have expected, however, that a senior civilian politician would have been prepared to jeopardize the very survival of the nation in pursuit of his personal political ambitions as has Chief Arthur Nzeribe, leader of the Association for Better Nigeria. This leads me to an issue that should not be overlooked as we grapple with the present dilemmas. Ibrahim Babangida did not create the failings of Nigeria and of many Nigerians. He has just mastered the art of using them to his advantage. When I completed my study of the making of the Second Republic in the early 1980s, the only

question was whether I would succeed in publishing my book before the republic fell. I didn't.

To explain developments in Nigeria, I had to resuscitate an arcane notion in social science, that refers to governance in patrimonial or feudal polities, namely "prebendalism". It calls attention to the linkages in many African countries today between the corrupt behavior of political aspirants and the mobilization of sectional identities whose inevitable consequence is the bankrupting of the state's coffers and, eventually, the resumption of power by the military. Ibrahim Babangida and his allies are the most skillful practitioners of what my Nigerian colleagues now refer to as military prebendalism. A prebend is an office of state that is granted by a ruler to an individual in return for loyalty, the support of a popular constituency, and a willingness to participate in the privatizing of public resources. It rests on a clientelistic system that runs from the head of state down to the village and ward levels.

The U.S. Congress has had to confront the dire consequences of the loss of probity in the conduct of public affairs in Nigeria as reflected, for example, in the increasing involvement of Nigerians in international drug trafficking. A few years ago, attention was drawn to a scam that lured foreign business persons to make investments in Nigeria designed to yield quick and fantastic returns and which rested on the clever manipulation of state financial instruments. Today, the Nigerian economy is in a downward slide as the erosion of public trust has extended to the nation's currency, the naira, which has been steadily losing value. When a foreign journalist a few years ago raised a question about the uses to which a windfall from the sale of petroleum in the wake of the Gulf war was put, instead of a commission of inquiry being established to give a full account of these proceeds, the journalist was instead expelled from the country. Under the floorboards of this regime, as of those of its predecessors, are scandals to be uncovered that will amaze us only by the degree of ingenuity with which they are concocted and the amount of public resources that they are meant to divert.

The struggle for democracy in Nigeria today must therefore be much more than a struggle to get one man and his regime to yield power to a democratically elected successor. It must result in Nigerians coming to grips, at last, with their propensities for extravagance, cynicism in the use of public resources, a willingness to manipulate ethnic, religious and regional differences for short-term political and economic gain, and pride in skirting the law whenever possible. Notable Nigerian authors, such as Nobel laureate Wole Soyinka, who are today speaking out against the actions of the present military regime, also played an important role in revealing the ineptitude, mismanagement and corruption of the previous civilian regime. In my book, Democracy and Prebendal Politics in Nigeria (Cambridge, 1987) I quoted a

Nigerian who had written poignantly to a newspaper in 1983 after four years of civilian misrule:

"Many people have stopped bothering themselves with classifying African regimes as democratic or otherwise. They instead keep asking: how much do the regimes address themselves to the needs and aspirations of the people? I am one, I tell you, all these noises about democracy and democratic are mere luxuries to the sufferers."

Nigerians are "sufferers" today under Babangida but they were also, albeit to a far less degree, "sufferers" under Shagari. It is not enough for the next civilian government to emerge from a free vote of the people and to establish the institutions provided for by the constitution. It has to set as one of its primary goals changing the way Nigerians regard public office and directly address the issue of the low level of probity and accountability in Nigerian political and economic life. When they look at Babangida they should see, not just a Machiavellion ruler, but their own fundamental self smirking at how it has regularly set them up and regularly pulled them down.

In spite of the outrageous events we learn daily from Abuja and Lagos, it is important to recognize developments of a promising nature that the present crisis has provoked. The first was expressed in a New York Times op-ed by the gifted Nigerian author Chinua Achebe when he referred to Nigerians' "inability to face grave threats as one people instead of as competing religious and ethnic interests". In fact, it is remarkable the ways in which Nigerians pulled together to give broad electoral support to Moshood Abiola during the voting on June 12. No other Nigerian has ever received such a range of support from every regional, religious and ethnic group in the nation.

It does not detract from the victory of Chief Abiola to acknowledge that the vote on June 12 also reflected the recognition by the Nigerian electorate that it was voting as much for a concept as for a man. That concept is well known to all of us and it is freedom. It should also be noted with what determination individuals of all generations and past political affiliations have taken a common stand in demanding Abiola's inauguration as president. For the first time in many years, perhaps decades, the Nigerian people have been forced to recognize that what they fundamentally share in their desire for honest, effective and responsible government outweighs the other issues that usually divide them and render them so fractious as a nation.

IV

The tenth issue of our bulletin, Africa Demos, has just been published. It shows 15 countries now classified as democratic.

What will also be noticed is the increasing number of countries that are just going through the formal routine of introducing multiparty politics but then relapse back into authoritarian and monopolistic styles of governance. We term them "directed democracies". In some cases, new democracies are overwhelmed by accumulated political and economic problems and social schisms they inherited. The essential point is that no one should be complacent about the prospects for sustained democratization in Africa. Recent experiences in our own hemisphere, for example in Guatemala, Nicaragua, Peru and Venezuela, not to mention the still uncompleted process of restoring an elected government to power in Haiti, have their counterparts lurking all over Africa.

In the 1970s, Nigeria was only one of three African countries that seriously attempted to establish a constitutional democracy, the others were Ghana and Upper Volta (now Burkina Faso). All these regimes eventually collapsed back into the arms of the military. During the wave of democratization that has swept Africa since 1989, Nigeria's transition has largely gone unremarked because of its highly guided yet unpredictable nature. Every politician who has stepped forward as a candidate for the highest office has eventually been chased off the scene by one edict or another. Some were even chased away in November 1992 only to be welcomed back as candidates eight months later. While the people of Benin, Burundi and Madagascar, to mention just a few, were creating their own political parties, developing their own programs and competing successfully in internationally-monitored elections, the people of the most populous nation on the continent were being herded from one political cul-de-sac to another.

We must be prepared to think of democratic renewal in Nigeria beyond what happens, or does not, happen on August 27, the day on which Ibrahim Babangida still promises to hand over power. We must have a longer term perspective, such as we automatically apply to Liberia, Ethiopia and Malawi, all scheduled to have multiparty elections in 1994. In early 1991, I gave an extended interview to the entire electoral board of a major Nigerian newspaper, partly owned by the state, on my ideas for the Nigerian transition. Curiously, that interview was never published. I still stand by my analysis and prognosis. The Third Republic, I predicted, was going to be still-born for reasons that General Obasanjo has since very frankly explained: ultimately, it is the honesty and candor of the persons managing a transition that largely determine whether it will be successful or not. I suggested in that interview that Nigerians should go along with the government's transition plan. Once power had been transferred to civilians, the political leaders should convene a national conference to discuss what could be salvaged, and what should be jettisoned, from the system that had been rammed down their throats.

They should then proceed to establish a Government of National Unity for a fixed number of years which would lay the basis for genuine multiparty elections in which Nigerians would be free to form and vote for the parties of their choice. A Council of Respected Elders should also be established during the transitional period with the power to convoke the leading politicians and civic leaders when they felt the country was going astray. Such an institution might have rescued the Second Republic before the soldiers returned to do so, in their manner. I called my proposal - a "transition within the transition", or the creation of the "Third and a Half Republic". Everything that has happened since I expressed those opinions have only reinforced my views.

If by some stroke of fortune, Moshood Abiola is inaugurated president of Nigeria on August 27, or anytime thereafter, there will still be a need for a civilian government of national salvation that de-emphasizes the phony partisanship foisted on the nation during the Babangida years. A case could still be made for a national conference, long urged by such human rights activists as Dr. Beko Ransome-Kuti (currently held incommunicado in detention), to bring all the political and social forces of this great nation together to purge it of the distortions and duplicities of the last decade. Such a conference could help lay the basis for a profound national renewal equivalent to what is experienced during times of major crisis such as war. This, indeed, is such a time. Nigeria can emerge stronger, more unified, more resolute and more honest with itself by reflecting on the indignities to which it has been subjected by the Babangida regime. There are certain to be soldiers, clergymen, Islamic leaders, trade unionists, student activists, women organizers, business entrepreneurs, traditional rulers - what in francophone Africa is called the forces vives of the nation - prepared to join in such a national crusade.

It is only such a broad-based effort that could make it possible to convert the suffering and shame experienced under Babangida into a new civic ethos which, combined with Nigeria's natural, cultural and human endowments, could propel the country out of its current distress. The world community, and the United States in particular, cannot solve Nigeria's problems. Our State Department is aware of the sequence of steps that can be followed in continuing to make known its displeasure over the aborted transition, increasing the penalties and sanctions commensurate with lack of progress in effecting an honest handover of power. We should also extend all necessary assistance to the democratic leaders and activists subjected daily to threats to their lives and livelihoods, and assure the entire nation of our willingness to help ease the passage from autocracy to democracy.

When the Director of the United States Information Service was expelled from Nigeria after insisting that the June 12 elections should be allowed to proceed, that unfortunate event could, ironically, open the door to a healthier relationship between our two countries. Relations between the United States and Nigeria have alternated between correct and cool; it has never been warm. Perhaps the low point came in 1975 with the drive for power by radical movements in Angola and Mozambique that were supported by Nigeria and opposed by the U.S. government. Nigeria also adopted a more aggressive policy toward the white minority regimes in Rhodesia and South Africa than did the U.S. government.

Throughout Nigeria's life as an independent nation, the U.S. authorities have treated this major African nation with due respect, acknowledging its leadership role in the continent and the parallels between our federal systems of government. However, the U.S. has also been understandably wary of Nigeria's nationalist, sometimes xenophobic, attitudes. As it became obvious that the Babangida program of transition to civilian rule was an elaborate charade, lurching from one direction to another, relations soured as the military regime took exception to U.S. pressure for more consistency and transparency in the political program. Finally, the breach came on the eve of the June 12 presidential poll and will continue as long as the verdict of that election is not honored, or some resolution acceptable to the leadership of the two parties and the apparent victor is not reached.

It is good for both our nations that we can today speak frankly and even critically of one another. Our long-term relationship is with the Nigerian people and not with an unelected regime that has outstayed its welcome. When we criticize the lack of democratic progress and the failure to respect human rights in Nigeria, we should also be prepared for that Nigerians might do the same with regard to our own failings, especially the racism, inadequate political representation and "benign neglect" still experienced by African-Americans. The U.S., along with other interested nations such as the United Kingdom, will have a major role to play in helping Nigerians restore vitality to the many institutions that have been weakened during the Babangida era. The judicial system, once a bastion against misrule, has lost its independence and integrity. A bicameral legislature, largely patterned on the American model, has been rendered a glorious irrelevance during its first year of existence. A great deal needs to be done in every aspect of institution-building under the sponsorship of the governance and democracy program of the U.S. Agency for International Development.

The United States has frankly never been a major force in the development of political and civic institutions in Nigeria for two main reasons: the suspicions by Nigerians of such involvement and American guilt over our country's failure for decades to live up to our own principles throughout the continent. Most American diplomats and even non-governmental actors stood on a shaky platform if they dared criticize or offer advice to Nigerians. Today, the basis for a new relationship has emerged as a result of the political crisis. We have aligned with the Nigerian people when their democratic aspirations, and their expressed will, were flouted by their own government. Democratic and human rights activists could take heart, deep in the fetid jails in which they are incarcerated, or the houses of friends to which they have fled to gain refuge from the special police units and security agents, that the United States as a beacon of liberty today is shining its light throughout their imprisoned nation.

When the transition to a civilian regime does occur, the United States should be able to act with greater confidence in supporting the building of democratic structures within the government and in civil society. Nigerian intellectuals, journalists, scholars, politicians, soldiers, and the vast array of civic and religious leaders should be challenged to re-examine knee-jerk anti-imperialist sentiments that have characterized their attitude toward the United States and toward Americans. I speak as someone who once shared those attitudes. The number of Nigerian-Americans have grown significantly in recent years, benefitting this country by their great entrepreneurial talents and energies. They have been galvanized by the present crisis to act collectively in support of a democratic transition.

Our two countries can forge a new partnership based on our identities as the greatest democratic federations in Africa and north America, respectively. There is one major prerequisite, however, to the building of that relationship: the prolonged period of arbitrary rule in Nigeria by the armed forces must end and be succeeded as quickly as possible by a constitutional democracy answerable solely to the will of the sovereign people.

Testimony Before
The United States
House of Representatives
Committee on Foreign Affairs
Subcommittee on Africa

Hearings on
Nigeria

By

GREGORY R. COPLEY,
Editor-in-Chief,
Defense & Foreign Affairs
group of publications,
London, United Kingdom.

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1. Significant Factors in Nigeria's Current Situation and in US-Nigerian Strategic, Political and Economic Relations

Preoccupation with the end of the Cold War, the recessionary difficulties of economic transition from defense-based (or war) economies to peacetime economies, and the uncertainties of the global restructuring processes in the United States and other NATO and industrial countries means that the Washington governmental structure and the Western media have not been able to pay sufficient attention to what has been occurring in most of the developing world. The result is that many opinions and policies in Washington and London, and in other world capitals, are of necessity being formed hastily on the basis of distorted, incomplete reporting and intelligence presented out-of-context and to people who have not had the benefit of time to study or understand the historical, cultural and other factors which would normally be vital to decisionmaking.

This phenomenon is something which we have not seen to this extent in living memory. And it is particularly true that you, in Washington, have not been given a balanced perspective or accurate reporting on the recent and current events in Nigeria. Not only has the phenomenon of out-of-context snap reporting occurred with regard to the current political process in Nigeria, it is also true, as so many of you are aware, that there are individuals, actively seeking office, bent upon distorting the nature of events in this important African state.

I have, in the course of more than 30 years of professional experience in strategic and political analysis, had extensive contact with the various governments in Nigeria, as well as governments in many other countries, at the highest levels. The *Defense & Foreign Affairs* organization is committed to impartial analysis and has, for more than two decades, enjoyed the respect of professional individuals and governments on the left, right and in the center.

It is now time for the United States to materially assist in the process of establishing a durable structure of democratic government in Nigeria, without interfering in the country's internal affairs. The United States has enormous powers to assist, but when it attempts to dictate and interfere it merely debases its status as a champion of self-determination and democracy. By attempting to force its own prescription for democracy, it merely shows that it is not concerned about letting countries choose their own path. There are many who expect Nigeria to move from 1776 to 1993 in the space of a decade. It is worth recalling the trauma of slavery and civil war which plagued the United States in that timeframe. The US should use these two centuries of experience to help Nigeria, not to force it into a position whereby it will forever revile the US experience.

Nigeria's two political parties and the current Federal Government yesterday agreed a formula for a new Interim Government which will guide the country

to a democratically-elected presidency within a maximum period of 15 months. This Interim Government, which will be predominantly civilian in makeup, marks the end of the Babangida era. The opportunity now exists for the United States to work with this Interim Government to ensure that the process leading up to the next elections avoids the problems which plagued the last two sets of primaries. It is futile for any outside observers to come in at the last minute, without a broad knowledge of the history and current events, to judge an election. The US now has the opportunity to make a meaningful contribution, rather than taking the path, later, of meaningless criticism.

I would like to make the following observations about the current situation in Nigeria:

- (a) ***Nigerians enjoy greater freedoms and democracy than virtually any other state in Africa.*** The freedom of the press is unparalleled not only in Africa, but almost universally, and goes effectively unchecked even by the laws of libel. Freedom of speech, movement and assembly is unfettered. Nigeria has, during the past eight years of the Babangida Administration, successfully brought about free and fair elections in all municipal governments, for the 30 state Assemblies, and for the National Assembly: six major electoral stages in all. These elections were brought to fruition despite enormous public apathy toward civilian politicians who have, historically, been the cause of the majority of the corruption and the overwhelming cause of the collapse of law and order in Nigeria. It has been *public apathy* rather than any delay by the Babangida Government which has caused delays in the final stage of this carefully-prepared transition to democracy. The reality is that the Babangida Administration has pushed for a return to civilian rule faster than the *majority* of the Nigerian public are prepared to accept it. And it is important here to understand the difference between the majority of Nigeria's nearly 90-million people and that extremely vocal minority which patently do not represent the bulk of the population.
- (b) ***Nigerians enjoy a judiciary which is one of the most independent in Africa*** The present Nigerian Government, which has been called a dictatorship by *The Washington Post* in recent weeks, has gone to great lengths not only to preserve the independence and integrity of the Nigerian judiciary; it has gone out of its way to ensure that the current transition process does nothing to override the primacy of the law. The Government was reluctant to interfere in the flawed and corrupted process of the political primaries which named the candidates for the June 12, 1993, presidential elections, as it did not wish to interfere with, or be seen to be interfering with, the presidential election process. The Federal Government only acted to annul the process when it was made clear by the Abuja High Court that the election process was legally unacceptable.
- (c) ***President Ibrahim Babangida made it clear that he wished to leave office*** I have known President Ibrahim Babangida for many years, and before

he was Nigeria's President. He had, in the past, rejected offers of the presidency and accepted it reluctantly only when it was clear that the country's infrastructure would collapse unless someone accepted responsibility for Nigeria's leadership. He began, immediately on taking office in 1985, preparing the transition to civilian rule, despite the fact that, at the time, no civilian or military pressure was being applied for him to do so. Ibrahim Babangida alone is the father of Nigeria's attempts to return to democracy. He told me privately in recent weeks that he was anxious to leave. The only thing which has kept him in office is the fact that he wished to ensure that he was able to leave behind a durable structure of democracy, one which would not be open to either legal or moral challenge, and to leave in place a government which would not bring about a return to corruption, malaise or a revival of ethnic, religious or regional divisiveness which would necessitate a fresh intervention of the Military into political life. Who, indeed, could condone the handing over of power to either a system or to an individual unfit or incapable of sustaining the very integrity or unity of the state? The United States and other governments have appeared to indicate that what is important is that President Babangida had over the reins of power to a civilian regardless of whether the process of transition is flawed, and regardless of the outcome for his country. It is to President Babangida's credit that he has been prepared to endure the opprobrium of the United States Government — the Government to which he and Nigerians feel closest, along with that of the United Kingdom — in order to ensure the best possible outcome for his country. History and the Nigenan public would not look kindly on him if he bowed to short-term pressure and left his office in the hands of a leader without a clear mandate to govern, or a system which did not enjoy the goodwill and respect of the people.

Having said that, it is clear that a solution is being developed, and has over the past few days been accepted by the two political parties, allowing President Babangida to step aside in favour of a new leadership, even if that is only a transitional stage to the creation of an unassailable elected presidency.

It should also be recorded that the postponement of the previous presidential election at the primary stage occurred not because of President Babangida, but at the request of the two political parties who claimed that massive fraud and vote-rigging had taken place. Despite this, it is President Babangida who is now blamed for postponing the elections, and it is this claim which is used by foreign analysts who have not studied the real situation to say that Ibrahim Babangida is clinging to power. Such so-called analysis is neither professional nor ethical.

(c) *The contribution of corruption to the current electoral problems in Nigeria* The Babangida Government came into office with the war against corruption as one of its major priorities. It has not yet won that war, although any Nigerian will attest that corruption in the country is at its lowest ebb under the Military governments, and at its highest under elected civilian governments. We must ask how the two candidates for the presidential elections

gained their nominations through the two political parties. To most Nigerians it was apparent that the nominations, and particularly that of Mr Abiola, were obtained in a manner which required the changing of hands of vast amounts of money in a fashion which in the United States would be regarded as illegal and which, indeed, was challenged in the Nigerian courts. Mr Abiola himself has said that he spent more than US\$40-million of his own money on the election process. The real amount is considerably higher, and this does not even take into account the impact of his own newspaper and magazine chain. There was, also, considerable evidence that a great many electoral registration forms changed hands (again for money) during the actual presidential election process: this was clearly direct fraud. Under these circumstances, the final voting process could appear as smooth and clean as possible: the damage had already been done.

We have seen the man who claimed victory in the June 12 election process, Mr M. K. O. Abiola, hailed as a champion of democracy. And yet this billionaire businessman derived all of his fortune from his rôle as a middleman in selling foreign goods to a succession of Nigerian governments, both civilian and military. We know that the procurement process in Nigeria is more often than not marked by corruption. *Is it asserted then that the man who more than anyone else built a vast fortune on selling goods to the Government has never been tainted by such corruption?* We must ask whether the man who made his money in this fashion, and who has been accused of paying off a vast swathe of the Nigerian press corps, and whose associates have paid for demonstrations through Nigeria and in Washington and London (demonstrations which have caused the deaths of several people), and who has put money directly and indirectly into the election funds of politicians in many countries, is the man who can be regarded as the innocent and incorruptible guardian of the future of Nigeria's most populous state, its most important economy?

Mr Abiola's background has not been discussed in the US media, and nor does it appear to have been the subject of much scrutiny by the State Department, but it is apparent that his fitness to hold public office has been called into question. He has allegedly admitted to having fathered more than 70 legitimate and illegitimate children, is the subject of a US Court Order for having failed to pay child maintenance; he was accused of having made sexual advances to the wife of one of Nigeria's traditional rulers; and has been accused of using what could only be described as blackmail techniques to obtain control of the ITT subsidiary in Nigeria, the source of much of his wealth. Chief Abiola has never satisfactorily responded to any of these charges, let alone answering questions as to how he could have obtained so much wealth merely as an agent of ITT. It has also been confirmed that Chief Abiola was not properly registered, electorally, which may, in any event, invalidate his claims for election victory. When Chief Abiola addressed the SDP Convention at Jos on March 28, 1993, he said that he would run his administration, if elected, as "a business concern". The convention itself was a "business concern": the records of the convention show that every conceiv-

able voting irregularity occurred and that votes were being bought and sold from anything from 50 Naira to 200 Naira.

It is also worth noting that neither Chief Abiola nor his rival, Alhaji Othman B. Tofa, were properly registered voters. Chief Abiola registered to vote in two states, and clearly violated the rules. Alhaji Tofa was not currently registered at all, invalidating his position. Furthermore, it is important to note that only 14 out of the 30 Nigerian states, plus Abuja the Federal Capital, had indicated their vote count when the process was suspended, and while Chief Abiola's people can claim victory on the basis of trends in the 14 states, it is clear that this included his home territory where he would naturally be expected to be in the lead. Indeed, because of the train of events, both candidates eventually claimed victory, but only Abiola had the financial strength and determination to fund demonstrations and foreign lobbies.

I have spoken with foreign observers who monitored the Nigerian elections on June 12 and they reported seeing no obvious frauds or manipulation. That is not surprising: the fraud and manipulation, the vote-buying and distortion, had all taken place before that time, starting in earnest during the primary process.

(d) ***Corruption of the rôle of the media.*** I have been a journalist for almost 34 years, and have been active in many countries around the world. I know that I risk condemnation by many of my Nigerian fellow-journalists when I expose the fact that only a pitifully small number of Nigerian journalists will even attend a press conference unless they receive a discreet envelope filled with cash, and even then will not write the story without another discreet envelope of cash, handed to them by a representative of the beneficiary of the story. Several journalists in Nigeria, during my most recent visit there some weeks ago, admitted that the election process had been extremely good for their incomes, and for that they thanked candidate Abiola. It is highly significant that the bulk of the information used by foreign correspondents and by foreign embassies alike in formulating opinions sent back to newspapers and governments abroad is derived from the paid disinformation which appears in the Nigerian media. It should also be further stressed that the largest circulation Nigerian daily, *The Daily Times*, claims a circulation of only 100,000 — in reality it is closer to 60,000 a day — when the Nigerian population is almost 90-million. Are the views of even the most respected Nigerian newspaper, then, to be regarded as representative of the country as a whole?

We have seen, as recently as last Sunday (August 1, 1993), reports in *The Washington Post* citing the allegation that at least 100 people have died in communal violence as a result of the Nigerian Government's move to annul the June 12 election. The allegations of deaths resulting from demonstrations, paid for by the Abiola movement, have been greatly overstated, and this fact has been proven, but still the initial "big lie" remains popular. Indeed, it was publication of patently untrue reports of violence and death which caused the temporary suspension of publication of six Nigerian media houses because

of the deliberate attempts by some publications to incite violence through such reporting. The Nigerian Guild of Editors, in an attempt to restore media credibility, subsequently helped bring about a resolution of the problem, and the Secretary of Information and Culture noted last week that "nobody, particularly the media, wants to destabilize the country or unnecessarily create chaos".

(e) ***The June 12 elections did not represent the will of the Nigerian people.*** It is clear that the June 12, 1993, elections did not represent the will of the Nigerian people. Some 25-million of the 39-million voters boycotted the election, and of those who did vote, it is clear that many of the voter registration cards were illegally obtained. And of those who voted for Mr Abiola, some 80 percent were Yoruba. Even if the election had been free and fair, the Nigerian people would — rightly or wrongly — never have stood for long for a candidate who had the mandate of only one ethnic group in the country. In a country with as many as 700 languages and dialects, two main and several minor religions, and a web of ethnic, tribal and regional considerations, only a government which represents, and can be seen to represent, all of Nigeria has any hope of sustaining national unity. And without unity, there is no peace, no law-and-order, no prosperity, and ultimately no state.

Could any leader, attempting to establish a brand new framework for future, stable government of such a diverse country, hand power over under such circumstances. It is fortunate that the Abuja High Court made the decision to suspend and annul the June 12 elections inevitable. It has been said President Babangida annulled the election because he did not like the fact that Mr Abiola was a Yoruba, rather than a northern Muslim. If that is so, then why did he accept that flaws in the primary process had earlier forced him to unnnul the candidacies of such esteemed Northerners and Easterns as Alhaji Umaru Shunkafi, a friend of the President, and Maj.-Gen. Shehu Yar'Adua, Mallam Adamu Ciroma, Alhaji Bamanga Tukur, Chief Emmanuel Wuanyanwu, and Chiet Patrick Cole.

(f) ***Nigerian support for US policy in Liberia.*** The United States was heavily involved in an attempt to bring about a peace settlement in the Liberian civil war when Iraq's President Saddam Hussein invaded Kuwait in August 1990. The Bush Administration called in its military assets from around the world to deal with that crisis, withdrawing US Navy and Marine Corps assets from Liberia — which has traditionally been a US area of responsibility and influence in West Africa — at a critical time. The Bush Administration asked Nigeria to spearhead a peacekeeping effort in Liberia, and President Babangida was responsible for putting together a peacekeeping force — ECOMOG — from the Economic Association of West African States (ECOWAS). That peacekeeping force is still at work in Liberia, at a cost of a half-million dollars a day to Nigeria in hard currency, and even more in terms of Naira and local currency costs, lives, morale and equipment. Those three years of peacekeeping at the request of the US, and in defense of a settlement

which is very much in Western and particularly US interests, has cost Nigeria dearly in resources it can ill-afford. Nigeria has not complained about this; it sees the job as part of its responsibility to the international and African communities. But it is worth asking whether Nigeria, had it retained the corrupt and morally bankrupt administration of the civilian Shagari Government, could have been in a position to undertake such a mission?

(g) ***Nigeria's assistance to the US in the area of counter-terrorism.*** In mid-July, even while the US Government was in the midst of its campaign against Nigeria, the Nigerian Government made a considerable contribution to the US war against international terrorism. It did so in an act which was virtually unpublicized by either the US or Nigeria, but which was over and above what could have been expected of the Babangida Government under such circumstances of hostility from the US State Department and media. Omar Mohammed Ali Rezaq, a Palestinian terrorist from the *Eagles of the Revolution* group associated with the Abu Nidal organization, and wanted by the US in connection with the death of a US citizen on a hijacking of EgyptAir Boeing 737 flight from Athens to Cairo, in 1985, attempted to enter Lagos through Murtala Muhammad Airport. That hijacking resulted in the death of two hijackers and 60 passengers of the aircraft. Rezaq was arrested in Malta (where the aircraft landed), convicted and sentenced to 25 years in prison, but he was released by the Maltese in February of this year after pressure from Libya. Rezaq was identified by Lagos airport security officials, who immediately apprehended him. The suspect was then placed, in custody, aboard a direct flight to New York where he was handed over to US officials. This major breakthrough in the war against terrorism has received no acknowledgement, and no thanks from the US. The Nigerian act was not without possible consequences. Nigeria has been subjected in the past to international acts of terrorism and subversion, and the Nigerian Government is aware that by handing over the suspect to the United States it must now be on guard against retaliatory action by Libya and Iran, the current sponsors of the Abu Nidal organization.

That operation was an example of good cooperation between Nigeria and the US Central Intelligence Agency. Nigeria also had earlier — in 1991 — provided substantial assistance to the CIA at the end of the Chadian civil war, when it was necessary for the CIA to extricate its Libyan opposition army-in-exile from its camp in Chad. Nigeria allowed the CIA force to come into Nigeria to regroup, to be fed and housed before it was flown to Zaïre and subsequently to Kenya. The hospitality and help showed by Nigeria to the CIA caused significant problems for Nigeria with Libya and other African states, but it was help which Nigeria offered unstintingly to its supposed ally.

(h) ***Nigeria's assistance to the US in the war against narcotics trafficking.*** Nigeria is not one of the states which is regarded as a source of narcotics, but there has been considerable attention paid to the rôle of people with Nigerian passports being used as "mules", or carriers, of narcotics into Western Europe and the United States. Nigeria has worked actively with the

US Drug Enforcement Agency and the US Government generally to impede this activity, despite the fact that it is now becoming clear that most of the people concerned are of Chadian origin and who have in most cases obtained Nigerian passports illegally. Recent arrests in Saudi Arabia have unearthed considerable evidence on this. I can report, from first-hand experience, that Nigerian Customs officials now take great pains to check the baggage of all people leaving Nigerian airports for foreign destinations to check for drugs. The checks are thorough and supervised and are on a scale not adopted by any of the countries which the US claims are supplier states, but which do not receive the level of criticism which Nigeria — a non-supplier state — receives from the US. Furthermore, when Nigeria, in response to US calls for cooperation, introduced the death penalty for drug trafficking, it was severely criticized by the US. Nigeria, seeing the use of the death penalty in many US states, is at a loss to understand how its zealous support for US anti-narcotics activities should have been the cause for criticism.

(i) ***Nigeria is a major and stable oil supplier to the US.*** It is clear that one of Nigeria's most significant strategic attributes, as far as the US is concerned, is as a primary supplier of high-quality crude oil. Nigeria will, in the future, be a major supplier of natural gas products. Nigeria has, in the interests of a stable relationship with the US and the West, always maintained a conservative, moderate policy on oil pricing and supply, despite its apparent need for more foreign exchange. The Babangida Government has always been clear on its attitude toward maintaining a stable oil relationship with the US and other client states. Similarly, it was the Babangida Administration which took the initiative to address the international debt problem which it inherited from the elected civilian Shagari Administration. As a result, Nigeria's debt is proportionately fairly much under control — which is more than can be said for the US debt position — and is being serviced regularly. And despite this, and in a period of great economic hardship because of depressed oil prices and the global recession, the Babangida Administration has built a new infrastructure in Nigeria: major new highways, a new telecommunications system which finally works (and works well), a new capital city for the country which should be the envy of all states, and much more.

(j) ***Nigeria's rôle in ending apartheid in South Africa.*** It is not well-known, and nor has it been publicized, but it is a fact that the Babangida Administration played a significant rôle behind the scenes in bringing the white National Party Government of South Africa to the position where it would, and could, end the system of *apartheid* in that country. It is my view that it was this cautious, patient but strong covert diplomacy by the Babangida Administration of Nigeria which had the greatest impact on the South African Government in persuading it to finally abandon *apartheid* and embrace the new democracy. Nigerian officials worked over a long period to convince the South African Government, and the leaders of the Inkatha Freedom Party and the African National Congress that South Africa could be embraced peacefully into the African mainstream, and avoid the bloodshed and economic hardship which has accompanied other such transitions in Africa. The Babangida

Administration has never publicized this work, but it is known to the British and, I am sure, the US intelligence services. It was this kind of work carried out at President Babangida's instruction, rather than the self-congratulatory and self-righteous Hollywood-style imposition of economic boycotts by US states, which helped to bring about a rapid end to South Africa's *apartheid*.

(k) ***Nigeria's Armed Forces have suffered from their political role.*** The Nigerian Armed Forces have, as they knew they would when they took office, suffered financially, materially, structurally and operationally from having to assume the burden of government. The Armed Forces have made no significant purchases of equipment for 10 years, except for the replacement of several Vickers Mk.3 low-cost main battle tanks, and some Czech training aircraft to ensure that flight training could continue. Military wages and conditions have suffered; many of the best officers were transferred to civil duties; all equipment maintenance suffered; and much more. This has placed the Nigerian forces under considerable hardship during some three years of multinational military peacekeeping operations in Liberia and during deployments elsewhere in the world on United Nations peacekeeping duties. Morale has suffered as the Armed Forces, already very limited in number when seen as a percentage of the total population, and the Military wants very much to get back to the barracks. It is generally conceded that it will take many years to restore the morale, benefits and conditions, and the operational capability of the Nigerian Armed Forces, and the Armed Forces know that this can only be achieved if they can be relieved of the burden of having to manage the civil sector.

(l) ***The Babangida Administration's agricultural import policies favor US farmers.*** The Babangida Administration, as part of its economic restructuring and attempts to revive the country's agricultural sector, had imposed a total ban on the importation of foreign grain. This ban was lifted, despite the obvious strain which the lifting places on the Nigerian grain and foreign exchange sectors, in direct and sole response to requests from the United States. This move, which was done without any *quid pro quo* from the US, has provided considerable relief to US farm exports.

2. Significant Background Points for Consideration in the Current Crisis

1. It is clear that, at present, the Governments of the United Kingdom and United States are, to a greater degree than is perhaps realised, basing their assessments of the current Nigerian transition situation on the Nigerian and foreign media coverage of the situation, and lobbying from the political parties. Both are tainted sources because neither the media nor the political parties are in a position, or are willing, to present a comprehensive and accurate picture.

The Nigerian Federal Government knew that it was losing the political initiative

by default, and knew that it could not escape criticism when it was forced to accept the Abuja High Court rulings that the June 12 elections were invalid. There was, immediately after the Court rulings, pressure on the Federal Government to either:

- (a) Accept the situation presented by the media/political parties as *a fait accompli*, and agree to let the NEC declare a winner; or
- (b) See the Government branded as having destroyed the democratic process in order to retain power.

The consequences of either option were unacceptable. The first option, (a), would have meant that the new civilian government would have been elected on the basis of fraud and malfeasance during the primary phase of the election campaign; on the basis that only about five percent of the population (or slightly more) actually voted for the new civilian leader; on the basis that 80 percent or so of the new leader's support came from a single ethnic group (the Yoruba), representing only a fraction of the Nigerian population; and on the basis that the new civilian government was formed in defiance of the Rule of Law as expressed by several Court orders.

Such a basis for the Transition would doom the new Government to immediate disrespect in the eyes of the public which is fully aware that more than 80 percent of the population were not represented by the election. As well, the new Government would be denied the strength of an independent Judiciary, and could never, with any credibility, invoke the Rule of Law to maintain national stability because it would be known that the only way in which this new Government took office was by flouting the Rule of Law and denying the independence of the Judiciary.

If, on the other hand, the Federal Government took the view that it must uphold and abide by the decision of the Courts, as it is Constitutionally obliged to do (and ultimately did), and nullify the June 12 elections and their results, then the Government faced being accused of having acted in bad faith and it would be said that it had no intention of handing power back to the civilians. No regard would be paid to the fact that it was the current President and current Government which fought — in the face of massive public apathy — to bring democracy to the country.

The first scenario — being forced to accept the results of the June 12 election — would almost certainly lead to a decline in real democratic values, a rise in corruption, a decline in the economy, and almost mandatory military intervention once again at some time in the near future.

The second scenario — with the Government taking the responsible stand as dictated by the Courts — could clearly lead to international condemnation of Nigeria's leadership by the media and, unless they are properly briefed, by foreign governments. This could result in:

- (i) *A limited amount of civil unrest in Nigeria*, and ongoing fuel for anti-Government groups who would be expected to cite any statements by the US or UK governments as "credible" external sources for their hostility toward the Nigerian Government. It could also fuel the potential for a new *coup d'état* by either junior officers or perhaps by middle-ranking officers supported by civilian money;
- (ii) *Immediate and ongoing problems in maintaining and securing international aid, credits and debt renegotiation.*

Neither situation was desirable for Nigeria or the present Federal Government, but it is clear to any impartial observer that the second scenario was the only responsible one.

2. The run-up to the June 12 elections was marked by massive illegalities, and vote-buying during the primaries stage (by both parties). The Federal Government ignored this at the time in the hope of an acceptable outcome. The Association for Better Nigeria (ABN), a voter group with 25-million Nigerian members led by Chief Francis Arthur Nzeribe, however, refused to ignore the matter and filed an injunction with the Abuja High Court to have the elections stayed until charges of corruption had been answered. The Abuja High Court, 36 hours before the elections were scheduled to begin on June 12, granted that injunction, banning the election. The Court cancelled the election on notice of motion after all parties had been heard and the Attorney General consulted on whether the relevant Federal Government decrees on the election process (Decrees, 13, 19 and 52) would preclude the Court from jurisdiction on the matter. It is significant that the leadership of the ABN were associated with the Social Democratic Party (SDP), Bashorun Abiola's party, rather than the putative loser of the election, the National Republican Convention. Chief Nzeribe was a former SDP Presidential candidate.

3. The National Electoral Commission (NEC) advised the Federal Government that it believed that the original Government decrees concerning the elections gave it a mandate to ignore the Abuja High Court ruling, and proceeded to hold the election on June 12, contrary to the High Court ruling.

4. The ABN went back to the Abuja High Court, immediately after the elections, to demand that the results of the election be withheld, and set aside until the charges raised had been addressed. The Abuja High Court agreed, and ordered that announcement of the results be suspended until the matter had been addressed in the courts. The NEC, after reviewing this decision and its legal position, agreed to abide by the High Court's judgement.

5. Most of the 39-million Nigerians on the electoral rolls — because of earlier publicity regarding irregularities during the pre-election process, and because of the first Abuja High Court ruling — abstained from voting in the elections. As a result, out of a population of some 90-million people, only around

13-million voted (if the Social Democratic Party, the putative winner, is to be believed), and of that number, some 8-million + would have determined the outcome of the election. It is also known that within the voting further irregularities occurred, and that the bulk of the votes were cast in one region of the country, the Yoruba region. This result would impose on Nigeria a presidency *posing* as democratic, but which in fact would have been elected by less than 10 percent of the population (possibly as little as five percent), and representing basically only one of Nigeria's many ethnic groups.

7. President Babangida has worked since August 1985 to transfer power peacefully to a workable civilian government in Nigeria, despite advice and urging by many people for him to avoid a commitment to such a process. The President is therefore concerned that the process has not yet reached fruition. From my meetings and discussions with him, it is clear that he had fully anticipated being in retirement at this stage and having firmly made his mark in Nigerian history as "the father of democracy".

It should be stressed that the Military, during their tenure of office, has gone to great lengths not only to preserve the independence of the Judiciary in Nigeria, but to be seen to be preserving it. This cardinal point for the Military Government, whatever its other possible failings in the economic sector during the past few years of recession, and the determination to preserve free speech, free assembly and so on, are not areas where the President or the National Defence and Security Council (NDSC) will easily surrender. The President told me that he felt that if the Judiciary was disregarded, then all hope of a credible democratic system would be thrown out the window.

8. President Babangida stressed to me that it was only through his and his colleagues' efforts that steps toward civilianisation and democracy have occurred at all in Nigeria. Considerable economic hardship had to be endured during the past eight years in order to make the gains which have been achieved. President Babangida, in his official and private capacities, will continue to strive for a durable, stable form of democracy to be introduced into Nigeria. The Federal Government and the National Defence and Security Council have in many ways reaffirmed their commitment to an orderly transition to democracy in Nigeria on the understanding that the government and country will not be obtained by any single special-interest group, whether a religious, ethnic, linguistic or cultural group.

9. President Babangida and most Nigerians are concerned and offended over the United States' Government attitude toward the situation. The statement, on the eve of the election, by Mr Michael O'Brien, the US Information Service head at the US Embassy in Nigeria, that the US would "not accept" a delay in the election process, has made President Babangida and his colleagues concerned that the Clinton Administration and the Congress will not even attempt to understand the current, highly complex situation in Nigeria. It will be understood how deeply this offence is felt when it is remembered that Nigeria consciously modelled its new form of government on that of the United

States. Indeed, Nigeria is the only state in Africa which has so deliberately attempted to pattern its new democracy on that of the United States. Despite this, it has received no significant assistance in the political and constitutional process, and has received no recognition for its constant attempts to satisfy the unilateral demands of the US on such issues as resolving the conflict in Liberia, the ending of grain import restrictions in order to help US agricultural exports at the expense of Nigerian farmers, assistance in suppressing involvement by Nigerian passport holders in international narcotics transportation, and assistance in suppressing international terrorism.

10. The ABN and its principal, Chief Arthur Nzeribe, are being labelled as "pro-Babangida" by the Nigerian media, but I was not able to determine what, if any, contact there has been between this group (or its leader) and the President. Clearly, the President feels that the ABN placed him in an awkward position. Chief Nzeribe said that his 25-million members (who had signed a petition saying that they did not want an election) had actively boycotted the election, in effect casting a vote which was twice the size of all those who did vote in the election.

3. Concluding Remarks

The United States Government and the United States Congress did not criticize the Transitional Government of Ethiopia when, this past weekend, it brought tanks onto the streets of Addis Ababa to suppress a peaceful protest against the unlawful imprisonment (without charges) of a medical doctor, Dr Asrat Waldeyes, chairman of the All-Amhara People's Party, and many others. It should be stressed that the Nigerian Government did not bring tanks onto the streets to suppress demonstrations. Nor has the US criticized the fact that the Transitional Government of Ethiopia has suppressed any attempt to bring about the democracy it promised, with the US as its main witness, to the people of Ethiopia. Although Congress has protested, the US Administration did not protest the patent fraud which attended the December 29 elections which kept President Daniel arap-Moi in office in Kenya. The US Government did not protest the violent overthrow of the elected Government of Azerbaijan in late June of this year. It refuses even to acknowledge that the Government of the People's Republic of China is trying to stop democracy being brought to the people of Hong Kong. And yet we find that the State Department and Congress are vocal on the question of delays in the electoral process in Nigeria when that country's current Government has voluntarily and without internal or external pressure begun a most courageous task to bring a top-to-bottom system of democratic administration to its country.

We must ask ourselves why Nigeria has been singled out for this special honor? Is it because individuals seeking the honeypot of power in Nigeria have the finances to pay for a strong lobby in Washington when, for example, the legitimate and clearly honorable campaigners for democracy in Ethiopia do not?

It is true that neither the honorable Members of this House, nor the representatives of much of the media in this country, have the time nor the resources to study the problems of Nigeria to the exclusion of so much other vital work. But I would ask that, before neatly tailored arguments are accepted from sources with either a vested interest or from sources who may not be aware of the complete situation, that judgement be reserved. I would ask that, ideally, more comprehensive analysis of history, culture, society, language and religion, as well as economics, politics and geopolitics, be made before such vehement and unqualified criticism be made. And finally, I would ask that where this Congress and this Administration contemplate employing the stick instead of the carrot in international relations, that the stick first be proffered to help pull friends and potential friends from the morass of their problems, rather than to beat them into irreversible hostility.

Ends

Human Rights and Political Developments in Nigeria
Testimony of Holly Burkhalter, Africa Watch

Before the House Foreign Affairs Subcommittee on
African Affairs

Wednesday, August 4, 1993

Good afternoon, Chairman Johnston, and thank you for inviting me to testify on human rights in Nigeria. My name is Holly Burkhalter, and I am the Washington Director of Human Rights Watch. I appear here today on behalf of Africa Watch, a division of Human Rights Watch. Africa Watch has been monitoring Nigeria for several years and has issued a number of publications on various human rights issues, including ethnic conflict, interference with civil society, and lack of respect for the rule of law. This afternoon, I would like to raise several human rights issues of particular importance at this critical time in Nigeria and to make a number of policy recommendations for the consideration of the U.S. government in its bilateral and multilateral relationships with Nigeria.

On June 16, 1993, at the plenary session of the UN World Conference on Human Rights, Nigerian Foreign Minister Chief Matthew Mbu stated his firm belief that democracy provides the best environment for the full enjoyment of economic, cultural, social and political rights. He enjoined the international community to give solid support to democratic changes around the world, to jointly accept responsibility for past errors and to resolve never to return to the era of unrestrained rights violations.

The same day in Nigeria, government radio announced the suspension of the publication of the results of the presidential election held four days earlier. Nearly a week later, the government announced that the elections were annulled. If the Government of Nigeria has its way, democracy in Nigeria is for the present and the foreseeable future, dead.

Last Saturday, July 31, the government and the two political parties announced their agreement to join forces to establish an interim government in order to end the political impasse that resulted from the cancellation of elections. At the government's insistence, the agreement excludes Moshood Abiola, who won the presidency in the June 12 election that was generally agreed to have been free and fair, from assuming any role in the new arrangement. Although the details are yet to be announced, it undoubtedly ensures that General Babangida and his cronies will retain ultimate power and will continue to have license to loot the country's vast resources for their own gain, with no prospects for accountability for corruption and abuses. Criticism will be stifled and the country will continue its downward slide economically, socially and politically.

Africa Watch considers this latest turn of events a tragedy for Nigeria, whose only hope for revitalization lies in ridding itself of the military strongmen who have ruled it for twenty-three of its thirty years of independence. The current regime of General Babangida, which began with a palace coup eight years ago, has been particularly repressive. Human rights are regularly trampled whenever they pose an inconvenience for the government, as they have in the past six weeks since the elections were annulled. The government's reaction to criticism of cancellation of the elections was typical of its behavior throughout its tenure. Its three-pronged approach consisted of unleashing its overly zealous police and military forces to bring a halt even to peaceful demonstrations, arresting human rights and pro-democracy activists, and sending security forces to ransack and close down critical media houses.

Demonstrations that occurred in Lagos and other cities in the south beginning on July 5 were met with the use of excessive force by police and soldiers. In many cases, the protests turned violent, and barricades were taken over by local thugs. However, cases were also reported in which security forces accosted innocent citizens and fired live ammunition into non-violent gatherings. The death toll may have exceeded 100 throughout the country. As far as we are aware, the government has no plans to investigate abuses by the security forces that occurred during the protests. The official lack of concern for abuses by the police and military is consistent with recent history in Nigeria. That police commit extra-judicial executions of criminal suspects rather than taking the trouble of bringing them to court, that they torture detainees in order to secure confessions, that they arbitrarily arrest suspects, including relatives of their intended targets, and that they regularly extract bribes from the civilian population are well known facts in Nigeria and are major concerns of the local human rights groups. The offending policemen are rarely charged and even more rarely convicted of any offense.

Our most urgent goal in Nigeria at present is to secure the release of a number pro-democracy activists who are being held in incommunicado detention in various prisons around the country. Three of the detainees, Dr. Beko Ransome-Kuti, Chief Gani Fawehinmi and Femi Falana, all of whom are involved in the Campaign for Democracy, a coalition of more than forty human rights, labor, student and grass-roots organizations, were detained four weeks ago in Lagos and were taken hundreds of miles away to Kuje Prison near the capital of Abuja. They were charged with sedition and conspiracy to incite violence and have not been permitted to see family members or lawyers. Last week their lawyers won an appeal for bail. Nevertheless, although bail conditions were met, they remain in prison because, in addition to the criminal charges, they are also being held under the administrative detention decree known as Decree 2, according to which they may remain detained indefinitely. They have not been produced in court. At least one of them, Dr. Ransome-Kuti, is believed to be in ill health. They are currently on hunger strike to protest their conditions of detention.

We are especially concerned about the fate of Dr. Ransome-Kuti and other democracy leaders because conditions of detention in Nigerian jails and prisons are appalling. Although official figures are notoriously unreliable, the CLO (the well known Nigerian human rights organization, the Civil Liberties Organization) has estimated that prison deaths number in the thousands each year.

Another well-known democracy leader, Saro-Wiwa, president of the Association of Nigerian Authors and a spokesperson for the Ogoni minority group, is at particular risk in prison today. Mr. Saro-Wiwa was not permitted to attend the UN Conference on Human Rights in Vienna because his passport was seized at the airport on June 11. He was detained for more than six weeks in critical condition without access to medical treatment for a heart condition. He is currently in hospital in Port Harcourt, facing charges of unlawful assembly and sedition for his role in a boycott of the now aborted June 12 elections by the Ogoni group, who inhabit the oil-producing area of Nigeria and who have suffered the near total destruction of their land and culture by the oil companies with the active assistance of the Nigerian police and military forces. A demonstration by unarmed Ogonis on June 22 to protest Mr. Saro-Wiwa's arrest was met with police bullets and teargas. The army arrived the next day and opened fire on unarmed civilians. Several Ogonis were arrested; others had to be hospitalized. All major entry points to the Ogoni region were then barricaded by soldiers and police.

A number of other activists were arrested as well, including three members of the Civil Liberties Organization who were detained for several weeks and, due to the abysmal conditions of detention, had to be hospitalized upon their release. They are

currently facing charges relating to possession of pro-democracy leaflets.

One of the reasons that repression against pro-democracy figures has been so thorough is that Nigeria's critical press has been all but silenced in recent weeks. A crackdown that began earlier in the year has intensified, and currently, eight newspapers and magazines are not permitted to publish because of critical articles about the government. Two, The Reporter in Kaduna and The News in Lagos, have been proscribed by decree. The others, including a newspaper and magazine owned by the winner of the election, Mr. Abiola, were invaded less than two weeks ago by security forces; offices were ransacked and printing plates and documents were seized. After The News was banned, its editors began to publish a new magazine, Tempo, but police confiscated it from news stands. Police have confiscated recent issues of Tell as well, and vendors have been harassed for carrying it.

A number of outspoken journalists are either detained or wanted by the police. The entire editorial staff of The News has been declared wanted by the police. Yinka Tella, a correspondent for The News, has been detained since mid-June.

In May, the government promulgated a decree known as the Treason and Treasonable Offenses decree. Although the decree was never published, an announcement on government radio stated that anybody who says or writes anything "capable of disrupting the general fabric of the country or any part of it" could be sentenced to death. The decree caused an immediate outcry and several weeks later, the government announced that it had been suspended, meaning that it could be reactivated at any time.

In addition to its ongoing battle with the press and pro-democracy and human rights groups, the Babangida government has sought to quell dissent in other essential civilian institutions as well, including the universities, labor unions and professional associations. Over the past year, most universities, which were once among the finest in Africa, have barely functioned. The university teachers' union, which is currently on strike, has been officially proscribed for more than a year--its second proscription during the Babangida regime. Two weeks ago, the government announced the implementation of a decree previously promulgated and then suspended in May, which reclassified teaching as an essential service and called for the dismissal of all teachers who went on strike for more than a week. Some universities have already acted on this decree. Student unions are regularly dissolved, and their members expelled or arrested. The Nigerian Labor Congress, which used to be a strong voice in Nigerian politics, was dissolved and reorganized by General Babangida in 1988, and is no longer an effective union confederation.

The transition program itself, which for six years has sought to impose a military version of democracy, has been the source of serious human rights abuses. Previous transition maneuvers have, among other things, banned all independent political parties, postponed the handover to civilians three times, arbitrarily banned numerous candidates, revoked and reinstated the secret ballot, all for the purpose of ensuring that the military could continue to call the shots. Democratic principles of popular participation, free expression and association and the supremacy of the rule of law have been spurned.

The manner by which the government canceled the elections, although shocking in its transparency, was consistent with its past practices. In annulling the election, the government claimed that it was attempting to remove the confusion created by conflicting rulings in a number of election-related court cases. That the government itself was responsible for creating the confusion expressly for the purpose of providing a scenario for canceling the elections was immediately obvious.

The Babangida regime's assault on the rule of law over the past eight years has done untold damage to the institution of the judiciary and to hopes for a future democracy. To give a quasi-legal basis to its rule by force, the government has relied on a constant barrage of military decrees, often retroactive, and lacking essential judicial safeguards. Governmental officials regularly flout court orders. Judges serve at the pleasure of the government. The regular court system has been made almost irrelevant by the establishment of special tribunals which try most cases of particular importance to the government, including those concerned with public disturbances, corruption, and drugs, and which do not meet international standards for conduct of fair trials. Often, the presumption of innocence does not exist and defendants are not permitted free access to counsel. Earlier this year, Africa Watch documented the cases of thirteen persons who are currently awaiting death by hanging for their alleged roles in ethnic and religious riots last year in the northern state of Kaduna. Their trials, which were held before two special tribunals, have been widely condemned as a travesty of justice because of the open hostility of tribunal members to their case and because of outright disregard for recognized rules of evidence and procedure. During their trial, the government promulgated a decree prohibiting any regular court from hearing any case regarding any abuse of constitutionally guaranteed rights by the tribunal and in all other cases involving military decrees.

The current political situation in Nigeria is extremely dangerous; indeed, many Nigerians and outside observers believe that the country is at a point not unlike that which preceded the nation's civil war in the late 1960's. In annulling the

elections and subsequently clamping down on the opposition, the government has not only subverted the political will of the population but, what is worse, it has deliberately forced upon the nation the ugly specter of regionalism and ethnicity. The tragedy of the present crisis is that Nigerian citizens, who in the election seemed to have overcome a legacy of ethnic conflict by crossing ethnic and regional barriers to vote for Mr. Abiola, have been forced once again to narrow their sights and put their ethnic identities first, rather than their citizenship as Nigerians.

In the past few years, ethnic and religious conflict has claimed thousands of lives in the northern part of the country. An April 1993 Africa Watch investigation of two instances of ethnic conflict in the north revealed that the Babangida government's mishandling of ethnic and religious conflicts has increased tensions and the likelihood of further outbreaks. In one case, that of the Tiv versus Jukun conflict which has claimed up to 5,000 lives in Taraba State in northeastern Nigeria, government forces have joined in attacks on particular ethnic groups. The government's apparent lack of concern with and slow response to ethnic fighting among the Tivs and Jukuns also helped to prolong fighting. There and in Kaduna state where Africa Watch investigated the May 1992 riots, months after violence has abated, officials are continuing to engage in discriminatory practices which keep resentments alive and increase the likelihood of future bloodshed. In Kaduna, some thirty-seven members of the minority Kataf group have been languishing in detention under Decree 2 for more than a year for their alleged role in last year's riots.

In the aftermath of the election annulment, it is likely that such conflicts will escalate as politics will increasingly be seen in terms of north versus south, Hausa versus Yoruba and Muslim versus Christian. In the past few weeks, tens of thousands of Nigerians have fled the cities for their home villages, fearing the outbreak of widespread ethnic violence. Southern rage has been ignited, and anti-Hausa sentiments are increasingly given voice. In the north, Hausas who supported Mr. Abiola have been stung by the recent anti-Hausa backlash and are withdrawing back into their ethnic and regional identities. The new interim government, so obviously lacking in legitimacy, will have no means of dealing with these ethnic resentments. As we are all too well aware from recent events elsewhere in Africa and the world, ethnic conflict that is not addressed does not just go away. Once it becomes violent, there is no sure way to end it. That is particularly true for a huge country such as Nigeria, whose 90 million citizens belong to some 250 ethnic groups.

U.S. Policy: It is essential for the peace of Nigeria that the United States not lend its support to any government controlled by Babangida and his gang. The United States, Britain and the European Community have all spoken out strongly against the cancellation of the elections, and from the angry reaction of the Nigerian government, it is apparent that the criticism has hit home. The pressure must be sustained.

Africa Watch particularly appreciates the strong stance in support of democracy in Nigeria that the Clinton Administration has taken. It is our understanding that bilateral aid has been suspended (except for certain humanitarian programs administered by nongovernmental groups). Government to government arms sales have been suspended for the foreseeable future, and we are informed that a decision was reached by Secretary Christopher on July 19 to review commercial military sales on a case-by-case basis with the presumption of denial.

Given the seriousness of the present crackdown, the disruption of the democratic process, and the serious abuses of human rights described above, we hope that the Clinton Administration will also consider using U.S. influence within the World Bank and the International Monetary Fund to delay consideration of new loans (except those which meet basic human needs) to Nigeria until human rights are respected and political freedoms restored, in keeping with U.S. human rights law (Section 701 of the International Financial Institutions Act and comparable human rights language on the IMF). Nigeria's attempts over the past 18 months to negotiate an agreement with the IMF to reschedule its \$30 billion external debt provides a particularly important opportunity to exert pressure on the Babangida regime. We hope that the United States Executive Director to the Fund will take the lead in raising human rights concerns in the context of discussions of Nigeria's debt, and place the issue of Nigerian human rights squarely on the table at the Fund.

Finally, we note that Ambassador William Swing has been withdrawn from his post as U.S. envoy to Nigeria. We would like to take this opportunity to thank him for his attention to human rights throughout his short tenure as our ambassador to Lagos. In view of the present upheaval in Nigeria, it might not be the best moment to replace Ambassador Swing, and some consideration might be given to delaying the deployment of his replacement as an expression of U.S. disapproval of the regime.

Thank you for your attention to this important matter.

PROTECTING HUMAN RIGHTS IN NIGERIA

Testimony of Adotei Akwei

Africa Program
of the
Lawyers Committee For Human Rights

before the

Subcommittee on African Affairs
House Committee on Foreign Affairs

U.S. House of Representatives

Washington, D.C.

August 4, 1993

Chairman Johnston, on behalf of the Lawyers Committee for Human Rights I would like to thank you for scheduling these hearings on Nigeria and, for allowing the Lawyers Committee to offer our analysis. My name is Adotei Akwei and I head the Africa Program of the Lawyers Committee. The Committee is a non-governmental organization that works to promote and protect internationally recognized human rights. Among our focuses is promoting and protecting the right of human rights groups to associate and operate freely. In countries where official practice and government sanctioned informal repression daily violate individual human rights the ability of such groups to operate freely will be critical in saving lives and building rights-respecting societies.

The Lawyers Committee has worked extensively on human rights problems in Africa since 1978 and the Africa program has monitored events in Nigeria closely, especially during the past 12 months, as the transition to civilian rule began to play itself out. In June 1992 we released a detailed report on persistent, systematic human rights abuses by the Nigerian Police. The report, entitled *The Nigerian Police: A Culture of Impunity* was the result of research conducted with the assistance of local rights groups and interviews conducted during a mission to Nigeria in 1991. Throughout the transitional period we have worked closely with local groups to challenge the increasing number of restrictions on public participation in the process, and the violent crackdowns on civil liberties, in particular on the press and lawyers who were involved in sensitive cases, or were advocates of multi-party politics. The Lawyers Committee

feels that the United States can and should play a positive role in encouraging whatever government emerges in Nigeria after August 27 to show greater respect for human rights and for the rule of law. This testimony shall make specific recommendations in that regard.

INTRODUCTION

Mr. Chairman, if anyone had described to you the sequence of events in Nigeria since June 12, I am sure that you would have said that they seemed more like the plot of a satirical novel. Political analysts might have expressed concern about the effects of violence or corruption on the vote or about obstruction by elements in the military. Few, however, would have predicted that the election would be held; that one candidate would win a majority, that a high court, acting on a suit to suspend voting, would prevent the National Electoral Commission from announcing the official results, and that the ruling military council would then annul the results and threaten to hold brand new elections unless a coalition government of the military and the two officially sanctioned parties was created. This, however, is just what happened and while the particular scenario may be baffling, the seeds for the failure of the transition had been laid long before the events of June 1993.

The Lawyers Committee firmly believes that for a free and fair voting exercise to take place, the rights of freedom of association, assembly and expression must be upheld and protected by the government of the day. In short, a free and fair election can only take place in a free society. The military managed transition in Nigeria saw these rights trampled over in

the name of a smooth transition to civilian rule. Among the repressive acts committed by the government were the banning of any criticism of the transition process, the exercise of a military veto over parties and individuals, and ultimately the rejection of the popular will by annulling the election results.

Nigeria has been under military rule for 24 of that last 33 years and under the rule of General Ibrahim Babangida for the last eight years. During that time, numerous repressive laws have been promulgated by various regimes, (the last eight years being the most prolific) the authority and independence of the judiciary has been undermined by the creation of military tribunals and the security forces have acquired almost complete immunity from the law. Given such circumstances, true public participation is all but impossible.

The Nigerian government's efforts to stifle dissent have been conducted primarily on three levels:

- (a) through repressive legislation and the security forces
- (b) through the harassment of judges, lawyers and other human rights activists, and
- (c) through restrictions placed on rights organizations.

Although treated separately here, they form an integrated strategy for preserving the military's hold on power. The present transition fiasco offers a sharp lens with which to expose the tools and strategies with which the military government undermined any hopes of a free election or a free society.

A. DECREES AND THE SECURITY FORCES:**A VERITABLE STATE OF EMERGENCY**

Although the 1989 constitution of Nigeria provides for a full range of individual rights, the manifold decrees issued by the Armed Forces Revolutionary Council (AFRC), its follower the National Defense and Security (NDSC) and the President have seriously undermined constitutional protections. In many ways, something similar to a state of emergency has been created, justified not by the need to prevent chaos or the breakdown of civil society but by the necessity of a smooth and orderly transition. In other words, democratic values such as freedom of expression or freedom of association have been curtailed *in the name of democracy*, as if the objective were somehow divorced from the process.

One recent example of the use of decrees to stifle democratic debate was the Treasonable Offenses Decree, announced May 6, 1993. The decree expands the definition of treason to include anyone engaging in acts, speeches or publications which are capable of disrupting the general fabric of the country or any part of it. Treason may be punished by death. The broad, vague terminology of this decree, combined with the discretionary nature of decree enforcement, has stifled the activities of human rights workers, journalists and anyone else expressing an opinion critical of the government. In particular, sources in Nigeria feel that the decree specifically targets the movements of indigenous peoples for more autonomy, certain publications that have been highly critical of the government, and human rights activists. With respect to

this latter category, Femi Falana, Dr. Beko Ransome-Kuti, Chief Gani Fawehinmi and Baba Omojola were arrested and charged with treason in May 1992. Whereas no case existed against them under the former definition of treason, it is feared that now the government will be able to pursue its case by retroactively enforcing the decree.

The Treasonous Offenses Decree is only a recent addition to a web of repressive legislation. For instance, Decree Five of 1984 bans gatherings "whose political, ethnic or religious overtones it is feared might lead to unrest". The government deemed the Civil Liberties Organization's (CLO) Vigil for Democracy, a pro-democracy demonstration on November 27, 1992, despite its peaceful character. Decree Two of 1984 prohibits "acts prejudicial to state security or to economic stability" and contributes to the self-censorship practiced by the press. Dr. Ransome-Kuti, Femi Falana and Gani Fawehinmi have been in detention since July 9, 1993. Despite being charged with sedition and conspiracy to incite violence, and being granted bail, they have been refused release under Decree No. 2.

The negative impact of these decrees is heightened by the fact that violations are not always tested against constitutional rights in a court of law. The Civil Disturbances (Special Tribunal) Decree No. 2 of 1987 provides that violations of certain laws will be tried in special tribunals rather than in the Nigerian judicial system. These tribunals have exhibited low levels of due process along with high levels of partiality. For instance, military tribunals hearing cases against coup plotters have included active members of government. Decree 55 of 1992 further isolates the tribunals from constitutional scrutiny, declaring that decisions of the Special

Tribunals may not be reviewed by the regular court system, even where there is a question of a constitutional violation. These tribunals recently sentenced six men to death, including General Zamani Lekwot, for their alleged participation in the ethnic violence between Kataf-Christians and Hausa-Fulanis. Defense attorneys in the Lekwot case described the tribunal's atmosphere as rife with bias and lacking in constitutional protections. They were so frustrated by restrictions placed on their defense and the partiality of the presiding judge that they resigned from the case in protest.

Equally important in imposing the government's vision of the transition to civilian rule, or of acceptable levels of public dissent, is the role played by the security forces. The Nigerian Police continue to enjoy impunity. Without a comprehensive review, the chilling effect of physical assaults, forced confession, torture and deaths in police custody will make a sham of aspirations towards free elections and a free society.

In our 1992 report on the Nigerian Police we documented systematic abuses including arbitrary arrest, the use of excessive force and extra-judicial killings. The Nigerian CLO estimated that an average of 3 people per month were killed by the police in 1991. In addition, police officers routinely flouted orders from Nigerian judges to produce defendants for bail hearings or to release them when charges were found to be invalid.¹ This pattern of behavior

¹See generally Lawyers Committee For Human Rights *The Nigerian Police Force, A Culture of Impunity*, May 1992. Committee for the Defense of Human Rights, *1992 Annual Report*, December 31, 1992, 31-34.

has not changed as evidenced by the harassment of human rights and pro-democracy activists. Equally disturbing is the creation of a National Guard, which under present plans will answer only to Gen. Babangida.² The creation of yet another armed force, empowered to enforce order yet unaccountable to the public will only create more confusion, more tension and more violence.

B. GOVERNMENT HARASSMENT OF HUMAN RIGHTS ADVOCATES

The method used by the Nigerian government to thwart the work of human rights workers is straightforward: leading activists are harassed through a pattern of continuous arrest and questioning. The experiences of Dr. Beko Ransome-Kuti and Gani Fawehinmi are good examples. Gani Fawehinmi is now in detention for the tenth time since Gen. Babangida came to power, a total now of 14 times since May 27, 1985. On December 5, Dr. Ransome-Kuti was arrested for distributing anti-government leaflets. On January 1, 1993 and again on March 27, he was arrested by the State Security Service (SSS), on the second occasion he was detained for three days about the activities of the Campaign for Democracy (CD), an umbrella organization aimed at returning Nigeria to civilian rule.³ On April 23, he was arrested and questioned for three hours upon reporting, as requested, to the Intelligence Division of Police. Dr. Ransome-Kuti is also awaiting trial for treason stemming from his arrest in May 1992 and along with Gani

² Although the mandate of this force has not been clearly defined, the National Guard is supposed to respond to internal unrest exceeding the abilities of the local police to cope. The National Guard is under the direct control of the President.

³ Africa Watch, *Nigeria. Threats to a New Democracy*, June 1993.

Fawehinmi and Femi Falana was charged with sedition on July 9, stemming from pro-democracy unrest. Although all three have been charged and granted bail, yet they remain behind bars under Decree No. 2.

Focusing on even a brief span of time, the regularity of abuse becomes apparent. On November 27, 1992 Panaf Olakanmi, a printer of CD materials was arrested and detained without charge until December 4. That same day, Peter Eriose and Captain Imogeo Ewhuba (rtd.), CLO members and organizers of the Vigil for Democracy, were threatened with arrest should they continue their activism. On December 1, 1992, Dr. Wada Abubakar, Inuana Ammani, and Wada Waziri were arrested for participating in a pro-democracy demonstration. John Matthew, a regional coordinator of the CLO based in Kaduna, was declared wanted by the security forces, causing him to go into hiding for a week. Also on December 1, SSS agents were at a trial brought by two CLO attorneys, Bob James and Anselm Odinkalu, which challenged the extension of the transition period. They later tailed Mr. James's car.⁴ On December 5, Olisa Agbakoba (CLO president), Abdul Oroh (CLO executive director), and Dave Peterson (of the U.S. National Endowment for Democracy) were arrested by the police in Benin, Edo state, lectured and then released. That same day, Dr. Taiwo Fagdeli was arrested for possession of CD materials and not released on bail until December 9.

More recently, Shina Loremikan, the CDHR publicity secretary, called for dialogue over

⁴ Africa Watch, "Nigeria: Crackdown on Human Rights and Pro-Democracy Groups as Transition is Postponed Again." December 27, 1992.

the "incessant incarcerations, harassments, and arrests on sight" of human rights activists. In response, he was arrested on April 15, 1993 by SSS agents and held for seven hours. The next day, security forces arrested human rights attorney Femi Falana and held him overnight. On May 23, three representatives to the CD, Dr. Henry Onwubiko, Gambo Danjuma (Speaker of the University of Nigeria, Nsukka Students Union) and Silas Moneke, were arrested while returning to Nsukka from a CD meeting in Benin city.⁵ On June 21, 1993 Ken Saro-Wiwa, president of the Nigerian Association of Writers and spokesperson for The Movement for the Survival of the Ogoni People, was arrested on his way to attend the United Nations conference on Human Rights in Vienna.

C. HARASSMENT OF THE PRESS

Freedom of the press is guaranteed by the Nigerian constitution. While prior censorship does not exist, arrests and detention of journalists, raids on publishing houses, confiscation of stock, and public and private warnings all serve to induce "a pattern of self-censorship, inimical to free reporting of events and news."⁶ In addition the suspicious death of journalist Dele Giwa in 1986 by parcel bomb, and the numerous rumors linking senior members of the Babangida government to his death, raised the effect of governmental intimidation to new levels.

During 1992 13 publications were seized, a private newspaper was shut down, 10,000

⁵ Telephone interview with Mr. Femi Falana, June 1, 1993.

⁶ Constitutional Rights Project, "The Crisis of Press Freedom in Nigeria." 1993.

copies of another magazine confiscated and at least six journalists were arrested or detained by the police. The Police also raided the publishing house of *Quality* magazine and took the entire stock of December 7 (1992) issues because of an article containing an interview with Femi Falana, which was critical of the delays in the transition to civilian rule. The pattern remained the same in 1993. 5,000 copies of the April 26, 1993 issue of *Tell*, featuring an anti-government interview with former Head of State Olusegun Obasanjo, were confiscated by the SSS. Twenty thousand copies of a second issue of *Tell*, also critical of the government, were impounded the following week.⁷ In addition legislation such as the (Offensive Publications) Miscellaneous Decree 1993 has allowed the government to harass and disrupt troublesome publications. Under it *The News*, a weekly magazine and *The Reporter*, a daily newspaper have been proscribed, *Tell* magazine has been partially proscribed, and the offices of *The Concord*, *Punch*, and *The Observer* newspapers have been sealed.

In response to critical editorials and stories, security agents detained the editor of *The Reporter* newspaper and then shut down its offices on March 1, 1993. At *The News*, five journalists were ordered by a judge to report to court or face contempt charges in connection with an article about political corruption. The four who reported were detained for several days. At *Newsday*, two members of the editorial staff were briefly detained following an article speculating that President Babangida was campaigning to stay in power for several more years.⁸

⁷ Africa News Weekly, May 28, 1993.

⁸ Anne Nelson, Committee to Protect Journalists, Letter to Gen. Babangida, March 31, 1993.

Most recently, in July, the government banned six independent publications, for publishing articles critical of the military's decision to cancel the election results. The government even acted against official news organs: it closed down Ogun State Broadcasting Corporation and arrested two journalist working with the Kawara State Government newspaper *The Herald*.⁹

D. RESTRICTIONS ON POLITICAL ASSOCIATION AND EXPRESSION

There are a variety of ways in which the Nigerian government practices what might be termed organizational harassment. In a broad sense, however, the most significant government restriction upon the democratic process was perhaps its least overtly oppressive: control of the only legitimate political parties. In 1989 the government founded and organized two parties, the Social Democratic Party and the National Republican Convention. Not only are these the only parties permitted to contest in elections, but the government devised the platforms of each party.

Nigeria's constitution provides for the right to freedom of assembly and association. Human rights organizations operate, but the government often threatens them and interferes with their activities.¹⁰ It even announced on national radio on December 8, 1982, that all human rights groups were being placed under surveillance. Most of them have been refused permission

⁹Anne Nelson, Committee to Protect Journalists, letter to Gen. Babangida, dated July 29, 1993.

¹⁰"Police Warn Against Disrupting Transition," Lagos Nigeria Radio Network, December 28, 1992, as reported in Foreign Broadcast Information Service [hereafter FBIS], December 29, 1992 at 40.

to register, and in 1989, the registration of the CLO was canceled following the release of a report on Decree No.2. In terms of the right to assemble, the government still uses Decree Five of 1984 which prohibits gatherings which might lead to unrest due to their political, ethnic or religious content.

It is apparent from the actions of the security forces that they view pro-democracy and human rights activities as a threat. In May 1992, security agents in Jos attempted to block a summit meeting of CD members. Later, in June, they tried to prevent a meeting of the Nigerian Bar Association to discuss the arrest of two leading human rights lawyers.¹¹ On November 27, 1992, SSS agents interfered with the Vigil for Democracy which had been organized by the CLO. Less than a week later, hundreds of security agents (including the Commissioner of Police for Lagos State) blocked members of the CD from meeting at the Nigeria Union of Journalists to organize a pro-democracy signature drive.

Aside from the disruption of meetings, seminars and demonstrations, the government regularly violates the physical integrity of these organizations, raiding offices and seizing documents or equipment, thereby infringing upon their ability to associate freely. On November 27, SSS agents confiscated over 10,000 CD and CDHR leaflets from the home of Dr. Ransome-Kuti. On December 3, the police raided the Kaduna headquarters of the CLO and confiscated

¹¹ U.S. State Department, Country Report on Human Rights Practices for 1992, Nigeria, [hereafter 1992 Country Report], at 201.

documents.¹² On February 26, 1993 agents of the SSS and the NPF raided the National Headquarters of the CLO, along with the President's home and the CLO annex in Surulere, breaking into lockers, filing cabinets and desks in an effort to locate "subversive materials."¹³

The government's efforts have not only been limited to human rights groups: the Nigerian Students Association was banned in 1987 and recently re-proscribed, with its leadership being forced underground; the leadership of the Nigerian Labour Congress was disbanded in 1988 with the government later appointing a new head; the Academic Staff Union of Universities was proscribed in 1988 and the Custom, Excise and Immigration Staff Union was banned in 1987.

E. REPRESSION IN THE NAME OF DEMOCRACY

Nigeria's transition to civilian rule, originally scheduled for 1990, has been postponed three times. Ironically, the government of Gen. Babangida justified this postponement with the need to insure a proper democratic election and a smooth transition. The government rescheduled the August 1992 presidential primaries for September, due purportedly to massive abuse such as vote-buying and tampering. Based on these same grounds the government then nullified the results of the September primaries, declaring that all 23 candidates in the election were prohibited from running for president. The date of the presidential election was also

¹² CLO Press Release, December 3, 1992

¹³ CLO "Human Rights Call" February 26, 1993

moved back, from December 5, 1992 until June 12, 1993, with the inauguration to occur on August 27, 1993.¹⁴

During this same period, while the government created the only two parties it would allow to contest the elections and heavily influenced the selection of their candidates, the ruling military council was restructured in a manner that further consolidated the power of General Babangida, even at the expense of colleagues in the armed forces. First, on January 2, 1993 the AFRC was replaced under Decree 54 of 1992, by the NDSC, which has only advisory powers. Second, a Civilian Transition Council was created, also on January 2, to manage the day-to-day affairs of the government, replacing the Council of Ministers with yet another advisory group to the president. Third, Decree 53 of 1992 effectively stripped the Senate and House members of power in all significant areas of government until after the transition. In April of 1993 the government promulgated Presidential Decree 13, which empowered the National Electoral Commission to call off elections if there appeared to be a threat of unrest. This piece of legislation was later to come back to haunt the country.

According to international observers, the June presidential election appears to have been relatively free and fair, yet the High Court of Abuja, acting on a suit brought by a private pro-military business group, with links to Gen. Babangida, prohibited the National Electoral Commission from officially announcing the results. When the High Courts of three other states

¹⁴ On Saturday July 31, 1993 Gen. Babangida announced that a transitional government would be formed, no new elections would be held and the handover to civilian rule would occur as planned, on August 27.

in Nigeria (Lagos, Edo, and Oyo) ordered the results released, and while an appeal was pending before the Appeal Court of Kaduna, Gen. Babangida declared the election annulled.

CONCLUSIONS

Too often, international attention focuses on the superficial aspects of democratization - - the existence of parties and the event of an election -- and ignores the nature of the participatory process at its core. Nigeria recent efforts to return to civilian rule certainly warrant international approval as a step in the right direction, but an electoral vote gives rise to democracy only to the extent to which the process leading up to the vote is democratic. In an election where the regime picked the candidates, created the only (two) parties and wrote their platforms, a certain amount of voter skepticism is unsurprising and does not augur well for public participation or popular support, two essentials for democracies. Moreover, the requirements of a democratic process extend to broader traditional civil and political rights, notably the freedom of assembly, freedom of association and the freedom of expression. The candidates, press and people of Nigeria must be able to engage in an open debate. Otherwise, it is unlikely that the will of the people will emerge.

Just as the democratic content of an election is defined by the path leading up to it, the human rights content of a change of government is determined by the route leading away from it. An environment without free expression, free association, discussion and debate will not produce an elected government which is representative. At the same time, having a civilian

president will not benefit anyone if newspapers continue to be censored, people continue to be detained or if police officers expect to assault people without facing any kind of accountability. While a particular government may be responsible for creating a state abusive of human rights, in the end those abuses become institutionalized; they carry over long past the transition in the form of personnel, procedures and attitudes. The systemic pattern of human rights violations in Nigeria is the result of policies and practices which will not rapidly disappear. Political reform must be accompanied by the rebuilding of civil society. In the case of Nigeria, of paramount importance will be to replace the culture of impunity now enjoyed by security forces with public accountability, to repeal decrees and reinstate the full constitution as the law of the land, eliminate official corruption, and return the military to where it belongs: the barracks. In order to help the people of Nigeria build a rights-respecting society, the international community must expand the focus and duration of its involvement, rather than concentrating its efforts solely on pressuring the regime to hold an election and transfer power to a civilian government.

One cannot overestimate the importance of what happens in Nigeria for the rest of the continent, which has numerous other variations of transitions to democracy gone awry. In Zaire, the transition process begun in 1990 remains hostage to Mr. Mobutu, while Zaire reels under ethnic cleansing campaigns in Shaba and Kivu provinces, rampant incidences of murder, assault and intimidation by security forces and a total breakdown of government and social services. In Togo, the transition process is being pushed by the military regime despite an official campaign of intimidation, assault and assassination that has driven over 500,000 Togolese to Benin and Ghana, among them human rights advocates, lawyers and members of

opposition groups. Where elections have occurred and civilian governments have taken power, the new governments have sometimes reverted to the old habits of previous regimes, weakening the same sectors of civil society which help foster civilian rule. In Zambia, the democratically elected government has already detained perceived opponents and briefly imposed a state of emergency. Throughout the continent, the legacy of single-party rule, whether military or civilian, is proving that the protection and promotion of human rights is an essential pre-requisite for ensuring that governments protect the rights of ordinary citizens. For political reform to succeed in Africa, democratic rule must be accompanied by democratic practice.

When and if the August 27 transition comes around, the business of cleaning out years of abusive practices and completely freeing civil society in Nigeria will only just be beginning. Human rights groups, professional associations and the press will have a major role to play in that process. This will demand that the protection of human rights be guaranteed both on paper and in practice. The United States should use whatever levers it has to encourage the Nigerian government to protect and promote human rights. Efforts at reform in Nigeria should be assisted with an emphasis being placed on having the government work with the local rights groups to ensure that while international human rights standards are maintained, they develop strong local roots. The Nigerian transition experience has lessons for all of us: for Africans interested in seeing human rights and civilian rule in Africa take a firm hold, and for the international community wishing to aid Africa achieve political stability and self-reliance.¹⁵

¹⁵The Africa Program gratefully acknowledges the assistance of Marc DuBois in preparing this testimony.



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RECOMMENDATIONS

In view of the serious human rights violations which have adversely affected civil society in Nigeria and will affect the country well beyond this present political crisis, the lawyers Committee urges the government of the United States to call on the Nigerian Government to:

- * Release or charge all persons who have been arrested as a result of pro-democracy activities, including members of the press who have a duty to keep Nigerians informed as to events in their country.
- * All members of the Nigerian Police Force against whom allegations of excessive force have been made should be investigated, and where proven guilty, sanctioned as quickly as possible. Officers under investigation should not be permitted on active duty and the Nigerian Government should publicly and unambiguously express its commitment to protect human rights and punish those law enforcement officials who use excessive force.
- * All shoot-on-sight orders which the Nigerian Police Force have been granted should be revoked. Legislation should be implemented to prohibit such orders and in-house training sessions and outreach work to the public should be conducted to publicize the appropriate role of the police. The duties of police officers should be governed by a clear, public mandate and clear public instructions restraining police and security agencies from carrying out any extrajudicial killings should be issued.

* The government must end the use of torture, arbitrary arrest and detention by security officials to silence perceived government critics. Those responsible for torturing prisoners should be punished. Steps should be taken to instruct prison officials on international guidelines for the treatment of prisoners and detainees and enforce respect for these guidelines.

* The independence and effectiveness of the judiciary must be re-affirmed and guaranteed. An important first step in this regard would be to open all cases handled by military tribunals for review by a Commission made up of members the Judiciary, the Nigerian Bar Association and representatives from the press.

* The Nigerian Government should ratify the major international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

